



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 36]

नई दिल्ली, शनिवार, भिन्नम्बर 3, 1994/ भाद्र 12, 1916

No. 36]

NEW DELHI, SATURDAY, SEPTEMBER 3, 1994/BHADRA 12, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालयों को छोड़कर) द्वारा जारी किए गए मांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India (Other than
Ministry of Defence)

गृह मंत्रालय

नई दिल्ली, 27 जुलाई, 1994

का. आ. 2094.—सरकारी स्थान (अप्राधिकृत कब्जा-
धिकारियों की बेदखली) अधिनियम, 1971 (1971 का
40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए केन्द्र सरकार अथवा पुलिस उप-महानिरीक्षक, ग्रुप केन्द्र,
केन्द्रीय रिजर्व पुलिस बल, बंगलूर (कर्नाटक) को भारत
सरकार के एक राजपत्रित अधिकारी होने के नाते उक्त
अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी के रूप
में नियुक्त करती है, जो उक्त अधिनियम के अन्तर्गत केन्द्रीय
रिजर्व पुलिस बल, ग्रुप केन्द्र, बंगलूर (कर्नाटक) के नियंत्रण
या कब्जे के अन्तर्गत सरकारी परिसर के सम्बन्ध में, अपने
क्षेत्राधिकार के स्थानीय सीमाओं के अन्तर्गत, सम्पदा अधि-
कारी को प्रदत्त शक्तियों का प्रयोग करेगा, और उसके
लिए दिए गए कर्तव्यों का पालन करेगा।

[सं. ए-2-8/93-प्रशा-I के. रि. पु. बल/पी. एफ. IV]

एन. के. सिन्हा, निदेशक

MINISTRY OF HOME AFFAIRS

New Delhi, the 27th July, 1994

S.O. 2094.—In exercise of the powers conferred by sec-
tion 3 of the Public Premises (Eviction of Unauthorised
Occupants) Act, 1971 (40 of 1971), the Central Government
hereby appoints the Additional Deputy Inspector General
of Police, Group Centre, Central Reserve Police Force, Ban-
galore (Karnataka), the officer being gazetted officer of the
Government of India, to be an Estate Officer for the pur-
poses of the said Act, who shall exercise the powers con-
ferred, and perform the duties imposed on estate officer by
or under the said Act, within the local limits of his juris-
diction, in respect of the public premises under the control
or occupation of the Central Reserve Police Force, Group
Centre, Bangalore (Karnataka).

[No. A-II-8/93-Adm. I. CRPF/PF-IV]
N. K. SINHA, Director

(पुनर्वासि प्रभाग)

नई दिल्ली, 8 अगस्त, 1994

का. आ. 2095.—निष्कास्त सम्पत्ति प्रबंध अधिनियम,
1950 (1950 का 31) की धारा 6 की उपधारा (1)
द्वारा मुझे प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार
एतद्वारा मद्रास के समाहर्ता को अपने स्वयं के दायित्वों

के अतिरिक्त मद्रास जिले में निष्क्रान्त सम्पत्तियों के संबंध में उक्त अधिनियम के द्वारा अथवा उसके अधीन उप अभिरक्षक को सौंपे गए दायित्वों का निर्वाह करने के उद्देश्य से निष्क्रान्त सम्पत्ति का उप अभिरक्षक नियुक्त करनी है।

[न० 1(5)/94-बंदोबस्त (क)]

पी. एम. शर्मा, अवर सचिव

(Rehabilitation Division)
New Delhi, the 8th August, 1994

S.O. 2095.—In exercise of the powers conferred on me by Sub-Section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints the Collector of Madras as Deputy Custodian of Evacuee Property in addition to his own duties for the purpose of discharging the duties imposed on the Deputy Custodian by or under the said Act in respect of evacuee properties in Madras District.

[No. 1(5)/94-Settlement (A)]
P. S. SHARMA, Under Secy.

नई दिल्ली, 8 अगस्त, 1994

का. आ. 2096.—विस्थापित व्यक्ति (प्रतिकर एवं पुनर्वास) अधिनियम, 1954 (1954 का 44) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा गृह मंत्रालय, पुनर्वास प्रभाग में अवर सचिव श्री पी. एम. शर्मा को, उक्त अधिनियम के द्वारा अथवा उसके अधीन एक बंदोबस्त आयुक्त को सौंपे गए कार्यों का निष्पादन करने के उद्देश्य से बंदोबस्त आयुक्त के रूप में नियुक्त करती है।

2. इसके द्वारा दिनांक 12 जुलाई, 1993 की अधिसूचना सं. 1(4)/93-बंदोबस्त का अधिक्रमण किया जाता है।

[सं० 1(4)/93-बंदोबस्त]

पी. के. शर्मा, निदेशक

New Delhi, the 8th August, 1994

S.O. 2096.—In exercise of the powers conferred by sub-section (1) of Section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri P. S. Sharma, Under Secretary in the Ministry of Home Affairs, Rehabilitation Division as Settlement Commissioner, for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act.

2. This supersedes notification No. 1(4)/93-Settlement dated the 12th July, 1993.

[No. 1(4)/93-Settlement]
P. K. SHARMA, Director

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

आवेश

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2097.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आन्ध्र प्रदेश राज्य

सरकार की सहमति में, जो गृह (एम. सी. ए.) विभाग जी. ओ. आर. टी. सं. 3174, तारीख 2-12-1993 द्वारा प्रदान की गई थी, नीचे उपदर्शित सुसंगत अधिनियम के उपबंधों के अधीन दंडनीय ऐसे अपराधों के, जिनके बारे में यह अभिकथन है कि वे राज्य सरकार के कर्मचारी द्वारा किए गए हैं और जो केन्द्रीय जांच ब्यूरो, हैदराबाद द्वारा रजिस्ट्रीकृत हैं, और एक या अधिक अपराधी और जन्हीं तथ्यों से उद्भूत होने वाले सभी संभवहार के अनुक्रम में किए गए किसी अन्य अपराध या अपराधों के संबंध में या उनमें संयुक्त प्रयत्नों, दुष्प्रेरणों और षड्यंत्रों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण आन्ध्र प्रदेश राज्य पर करती है।

आर. सी. सं. और विधि की धाराएं अभिव्यक्त का नाम

भण्डाचार निवारण अधिनियम, श्री एम. रमेश कुमार,
1988 की धारा 13(1) (क) सुपुत्र एन. नारायणपणम,
के साथ पठित धारा 13(2) पुलिस उपनिरीक्षक,
के साथ पठित भारतीय दंड गड़वाल
संहिता की धारा 109 के अधीन पुलिस थाना जिला
आर. सी. 11(ए)/91- मद्रास नगर।
हैदराबाद, तारीख 9-4-1991

[संख्या 228/30/94-ए.वी.डी.-II]

आर. एम. बिष्ट, अवर सचिव

MINISTRY OF PERSONNEL, P. G. & PENSIONS

(Department of Personnel & Training)

ORDER

New Delhi, the 11th August, 1994

S.O. 2097.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the State Government of Andhra Pradesh accorded vide Home (SC-A) Department G.O. Rt. No. 3174, dated 2-12-1993 hereby extends the powers and jurisdiction of the member of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences punishable under the provisions of relevant Act indicated below alleged to have been committed by the State Government employees and registered by the Central Bureau of Investigation, Hyderabad and attempts, abettments and conspiracies in relation to or in connection with one or more of the offences and any other offence or offences committed in the course of the same transaction arising out of the same facts.

R.C. No. & secs of Law	Name of the Accused.
RC.11(i)/21-Hyderabad dated 9-4-91. Under Section 109 Indian Penal Code read with 13(2) read with 13(1) (c) of the Prevention of Corruption Act, 1988	M. Pamesh Kumar, S/o M. Nagabhusanam. Sub. Inspector of Police, Gadwal Police Station, Mahaboobnagar Dist
	[No. 228/30/94-AVD-II] R.S. BISHT Under Secy.

आदेश

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2098.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश सरकार, गृह (पुलिस) विभाग के पत्र सं. एफ. 12-41/1993/बी(1)II दिनांक 17-6/93 द्वारा सम्प्रेषित मध्य प्रदेश राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापन के सभी सदस्यों की शक्तियों और अधिकारिता का विस्तारण आना कोतवाली जिला टीकमगढ़, मध्य प्रदेश में भारतीय दंड संहिता की धारा 307 और विस्फोटक अधिनियम की धारा 3/4 के अंतर्गत रजिस्टर्ड अपराध सं. 248/93 तथा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संव्यवहार के अनुक्रम में किए गए किन्हीं अन्य अपराधों के अन्वेषण के लिए सम्पूर्ण मध्य प्रदेश राज्य पर करती है।

[संख्या 228/62/93-ए.वी.डी.-II]

आर. एस. बिष्ट, अवर सचिव

ORDER

New Delhi, the 11th August, 1994

S.O. 2098.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Madhya Pradesh communicated vide letter dated 17-6-93 F. No. 12-41/1993/B(i)/II, from the Government of Madhya Pradesh Home (Police) Department hereby extends the powers and jurisdiction of all the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of Crime No. 248/93 u/s. 307 IPC and Section 3/4 of the Explosive Act registered at Police Station Kotwali Distt. Tikamgarh, Madhya Pradesh and any other offences committed in the course of the same transaction arising out of the same facts.

[No. 228/62/94-AVD-II]
R. S. BISHT, Under Secy.

आदेश

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2099.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम संख्यांक 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सं. 4/2(43)/88-एच, इम्फाल, तारीख 15-4-1994

द्वारा मणिपुर सचिवालय की सरकार, गृह विभाग की सहमति से भूष्ठाचार निवारण अधिनियम, 1988 की धारा 13(1) (ग) के साथ पठित धारा 13(2) के अधीन सी. बी. आई./एस. पी. ई./सिलचर(एस.सी.बी.) शाखा मामला सं. आर. सी. 3(ए)/94-एस.एल.सी. और ऊपर उल्लिखित एक या अधिक अपराधों के संबंध में या उनके संबंधित प्रयत्नों, दुष्प्रेरणों और षड़यंत्रों के तथा वैसे ही तथ्यों से उद्भूत या उपर्युक्त अपराध (अपराधों) से संबंधित वैसे ही संव्यवहार के अनुक्रम में किए गए किसी अन्य अपराध या अपराधों के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण मणिपुर राज्य पर करती है।

[संख्या 228/29/94-ए.वी.डी.-II]

आर. एस. बिष्ट, अवर सचिव

ORDER

New Delhi, the 11th August, 1994

S.O. 2099.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of Government of Manipur Secretariat, Home Department vide No. 4/2(43)/88-H, Imphal, dated 15-4-1994, hereby extends the powers and jurisdiction of members of Delhi Special Police Establishment to the whole State of Manipur for investigation of CBI/SPE/Silchar (ACB) Branch Case No. RC. 3(A)/94-SLC, under Section 13(2) read with 13(1) (c) of the Prevention of Corruption Act, 1988 and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of same transaction arising out of the same facts or related to the above said offence(s).

[No. 228/29/94-AVD-II]
R. S. BISHT, Under Secy.

आदेश

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2100.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, असम राज्य सरकार की सहमति से, जो राजनैतिक (ए) विभाग पी. एल. ए. (5) 49/94/15, तारीख 25 अप्रैल, 1994 द्वारा प्रदान की गई थी, माननीय भारत के उच्चतम न्यायालय के तारीख 24 जनवरी, 1994 के पारित आदेश के क्रम में, रिट याचिका (अपराध) सं. 1993 का 209 (सचिव, हेलकंदी विधिश संगम बनाम असम राज्य और अन्य) में नुरल हक पर अधिकृत पाश्विक हमला करने और पुलिस हवालात में यातना देने के परिणामस्वरूप उसकी मृत्यु के बारे में हेलकंदी पुलिस स्टेशन सी. आर. मामला सं. 275/93 और एफ. आई. आर. 120/93 के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार संपूर्ण असम राज्य पर करती है।

[संख्या 228/31/94-ए.वी.डी.-II]

आर. एस. बिष्ट, अवर सचिव

ORDER

New Delhi, the 11th August, 1994

S.O. 2100.—In exercise of the powers conferred by Sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Assam, Political (A) Department accorded vide No. PLA(V) 49/94/15, dated 25th April, 1994, hereby extends the powers and jurisdiction of members of the Delhi Special Police Establishment to the whole State of Assam for investigation Hailakandi P. S. CR Case No. 275/93 and FIR 120/93 regarding alleged brutal assault and torture of one Nurul Haque in the Police lock up resulting in his death, as per orders of Hon'ble Supreme Court of India, dated 24th, January, 1994 passed in writ petition (GI) No. 209 of 1993 (Secretary Hailakandi Bar Association VS. State of Assam & Any).

[No. 228/31/94-AVD-II]
R. S. BISHT, Under Secy.

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2101.—दण्ड प्रक्रिया संहिता, 1973 और 1974 का 2 की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा सत्र न्यायालय, गुवाहाटी के न्यायालय में श्री एम. एन. चौधरी तत्कालीन शाखा प्रबन्धक, भारतीय स्टील प्राधिकरण लिमिटेड, गुवाहाटी एवं अन्य के विरुद्ध दिल्ली विशेष पुलिस स्थापना नियमित मामला संख्या 3(ए)/80-ए.सी.यू. (7) में अभियोजन का संचालन करने हेतु श्री कार्ल प्रसाद जर्मा अधिवक्ता गुवाहाटी को विशेष अधिवक्ता के रूप में नियुक्त करती है।

[संख्या 225/6/94-ए.वी.डी.-II]
आर. एस. बिष्ट, अवर सचिव

New Delhi, the 11th August, 1994

S.O. 2101.—In exercise of powers conferred by sub Section (B) of Section 24 of the Code of Criminal procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Kali Prasad Sharma, Advocate, Gauhati as special Counsel for conducting prosecution of case RC No. 3/86. CBI. CIU(C)/ACU(VII), New Delhi against S/Shri S. N. Choudhary, the then Branch Manager, Steel Authority of India Ltd Gauhati and others in the Court of Sessions Judge, CBI. Cases Gauhati.

[No. 225/6/94-AVD.II]
R. S. BISHT, Under Secy.

आदेश

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2102.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश सरकार, गृह (पुलिस) विभाग की अधिसूचना सं. 4523/93 वी/(1)-II दिनांक 17 नवम्बर, 1993 द्वारा प्राप्त मध्य प्रदेश की राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का

विस्तार थाना खंजाड़ जिला खड़गांव के अपराध सं. 16/90 पर बतिया, पुत्र श्री रामसिंह बरेला निवासी गांव खाम-सखानी, जिला खड़गांव की हत्या के संबंध में भारतीय दंड संहिता 1860 (1860 का 45) की धारा 302 के अन्तर्गत दंडनीय अपराधों अथवा इस संबंध में किसी एक अथवा अधिक अपराधों के संबंध में तथा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संयवहार के अनुक्रम में किए गए किसी अन्य अपराध अथवा अपराधों और उनसे संसक्त प्रयत्नों, कुप्रेरणाओं और षड्यंत्रों के अन्वेषण के लिए तथा के. अ. ब्यूरो द्वारा दिनांक 13-9-1993 को रजिस्टर मामला सं. आरसी. 13(एस) 93-भापाल और अपराध सं. 16/90 की जांच के दौरान अप्रकृत व्यक्तियों के द्वारा इस संबंध में की गई अन्य शिकायतों के अन्वेषण के लिए भी संपूर्ण मध्य प्रदेश राज्य पर करती है।

[सं. 228/18/94-ए.वी.डी.-II]
आर. एस. बिष्ट, अवर सचिव

ORDER

New Delhi, the 11th August, 1994

S.O. 2102.—In exercise of the powers conferred by sub-Section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the State Government of Madhya Pradesh vide Home (Police) Department Notification No. 4523/93/B(1)II, dated 17th November, 1993 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Madhya Pradesh for investigation of the offences punishable under Section 302 of the Indian Penal Code, 1860 (45 of 1860) and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences connected with the murder of Batia S/o Shri Ram Singh Barela, R/o Village Khamsajwanj Distt. Khargone and any other offence or offences committed in the course of the same transaction arising out of the same facts in regard to Crime No. 16/90 of Anjad Police Station Distt. Khargone and corresponding case No. RC. 13(S)/93-BPL registered by the Central Bureau of Investigation on date 13-9-1993 and also on other complaints made in this regard by the aggrieved persons during the enquiry of said Crime No. 16/90.

[No. 228/18/94-AVD. II]
R. S. BISHT, Under Secy.

नई दिल्ली, 12 अगस्त, 1994

का. आ 2103. —(जभाषा निगम (संघ के शासकीय प्रयोजनों के लिए प्रयोग) 1976 के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्रीय सरकार इस संस्थान के प्रशासनिक नियंत्रण के अर्थात्, "केन्द्रीय प्रशासनिक अधिकरण" की निम्नलिखित न्यायपर्याप्तों को, जिनके 80 प्रतिशत कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है :—

1. केन्द्रीय प्रशासनिक अधिकरण, इलाहाबाद
2. केन्द्रीय प्रशासनिक अधिकरण, लखनऊ
3. केन्द्रीय प्रशासनिक अधिकरण, जबलपुर
4. केन्द्रीय प्रशासनिक अधिकरण, जोधपुर
5. केन्द्रीय प्रशासनिक अधिकरण, अजमेर

6. केन्द्रीय प्रशासनिक अधिकरण, चण्डीगढ़

7. केन्द्रीय प्रशासनिक अधिकरण, एर्नाकुलम

[संख्या-11011/3/93-हिन्दी-II]

ए. के. भट्टराई, उप सचिव

New Delhi, the 12th August, 1994

S.O. 2103.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules 1976, the Central Government hereby notifies the following Benches of the 'Central Administrative Tribunal' under the administrative control of this Ministry, where more than 80 percent Staff have acquired working knowledge of Hindi:

1. Central Administrative Tribunal, Allahabad
2. Central Administrative Tribunal, Lucknow
3. Central Administrative Tribunal, Jabalpur
4. Central Administrative Tribunal, Jodhpur
5. Central Administrative Tribunal, Jaipur
6. Central Administrative Tribunal, Chandigarh
7. Central Administrative Tribunal, Ernakulam

[No. 11011/3/93-Hindi-II]

A. K. BHATTARAI, Dy. Secy.

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 11 अगस्त, 1994

का० अ० 2104.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से मणक्त किया गया है, उक्त उपधारा के अधीन आदेश का० सं० 673/60/94-सी०शु०-8 दिनांक 6-5-94 को यह निर्देश जारी किया था कि श्री दीप चन्द उर्फ मंदीप चौहान उर्फ पप्पू, सुपुत्र श्री खुसीराम, निवासी गांव तातेहल, पुलिस स्टेशन पालमपुर, जिला कांगड़ा (हिमाचल प्रदेश) (2) द्वारा माहिलपुर आयल स्टोर, चण्डीगढ़ रोड, माहिलपुर, जिला होशियारपुर, (पंजाब) को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, होशियारपुर में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के मन्वर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, पंजाब, चण्डीगढ़ के समक्ष हाजिर हों।

[का० सं० 673/60/94-सी०शु०-8]

रूप चन्द, अवसर सचिव

MINISTRY OF FINANCE
(Department of Revenue)

ORDER

New Delhi, the 11th August, 1994

S.O. 2104.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued

order F. No. 673/60/94-Cus. VIII dated 6-5-1994 under the said sub-section directing that Shri Deep Chand alias Sandeep Chaudhan @ Pappu S/o Shri Khushi Ram, R/o Village Tatehal, P. S. Palampur Distt. Kangra (ii) C/o Mahilpur Oil Store, Chandigarh Road, Mahilpur, District-Hoshiarpur (Punjab) be detained and kept in custody in the Central Prison Hoshiarpur with a view to preventing him from indulging in activities prejudicial to the augmentation of Foreign Exchange resources in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General of Police Punjab, Chandigarh within 7 days of the publication of this order in the official Gazette.

[F. No. 673/60/94-CUS. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 12 अगस्त, 1994

का० अ० 2105.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का० सं० 673/138/93-सी०शु०-8 दिनांक 29-12-93 को यह निर्देश जारी किया था कि श्री ओमप्रकाश पंजाबी सुपुत्र श्री कश्मीरी लाल सज्जनदास पंजाबी 10, कृष्णा कालोनी स्वाति सोसाइटी के पीछे मधुरंगपुरा, अहमदाबाद, (गुजरात) को निरुद्ध कर लिया जाए और केन्द्रीय कारागार साबरमती, अहमदाबाद में अभिरक्षा में रखा जाए ताकि उसे भविष्य में माल की तस्करी करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, अहमदाबाद के समक्ष हाजिर हों।

[का० सं० 673/138/93-सी०शु०-8]

ज० एल० साहनी, अवसर सचिव

ORDER

New Delhi, the 12th August, 1994

S.O. 2105.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities, 1974 (52 of 1974) issued order F. No. 673/138/93 Cus. VIII, dated 29-12-1993 under the said sub-section directing that Shri Om Prakash Punjabi S/o Shri Kashmirilal Sajjandas Punjabi, 10 Krishna Colony, Behind Swati Society, Navrangpura, Ahmedabad (Gujarat) be detained and kept in Central Prison, Sabarmati, Ahmedabad with a view to preventing him from smuggling goods, in future.

2. Whereas the Central Government has reasons to believe that the aforesaid person had absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Ahmedabad within 7 days of the publication of this order in the official Gazette.

[F. No. 673/138/93-Cus. VIII]
J. L. SAWHNEY, Under Secy.

आयकर महानिदेशक (छूट) का कार्यालय
कलकत्ता, 5 जुलाई, 1993
आयकर

का. आ. 2106 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रीयांगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और
- (iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (फ) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्व कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

अन्नासाहेब कल्याणी फाउन्डेशन,
ए/2, प्रियदर्शन अपार्टमेंट्स
कोरेगांव रोड,
पुना-411001

यह अधिसूचना दिनांक 1-4-93 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि ये अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन

पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 864/एफ. सं. म. नि./आ. क
(छूट) एम-162/35(1) (ii)/93]

श्रीमती एस राय, उप निदेशक

OFFICE OF THE DIRECTOR GENERAL OF
INCOME-TAX

Calcutta, the 5th July, 1993

INCOME TAX

S.O. 2106.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Annasaheb Kalyani Foundation,
A/2, Priyadarshan Apartments,
Koregaon Road,
Pune-411001.

This Notification is effective for the period from 1-4-93 to 31-3-94.

NOTES :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 864/F. No. DG/IT(E)/M-162/35(1)(ii)/93]
MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई, 1993

आयकर

का. आ. 2107 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" संवर्ग के अधीन अनुमोदित किया गया है:—

Calcutta, the 6th July, 1993

INCOME TAX

S.O. 2107—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर/आयुक्त आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Sangeet Research Academy,
1, Netaji Subhas Ghandra Bose Road
Tollygunge,
Calcutta-700040.

This Notification is effective for the period from 1-4-90 to 31-3-93.

NOTES :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 865/F. No. DG/IT(E)/WB-27/35(1)(ii)-90]

MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई, 1993

आयकर

का. आ. 2108 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा;

संगठन का नाम

संगीत रिसर्च अकादमी
1, नेताजी सुभाष चन्द्र बोस रोड,
टॉलीगंज, कलकत्ता-700040

यह अधिसूचना दिनांक 1-4-90 से 31-3-93 तक का अधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करता है।

[संख्या : 865/एफ. सं. म. नि./आ. क.
(छूट) सं. बं.-27/35(1) (ii)/90]

श्रीमती एस. राय, उपनिदेशक

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिस्चर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय विभाव का भी प्रस्तुत करेगा।

संगठन का नाम

संगीत रिस्चर्च अकादमी

1, नेताजी सुभाष चन्द्र बोस रोड,
टालीगंज, कलकत्ता-700040

यह अधिसूचना दिनांक 1-4-93 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करता है।

[संख्या : 866/एफ. मं. म. नि./आ. क.

(छूट) प. बं. 27/35(1)(ii)/90]

श्रीमती एस. राय, उप निदेशक

Calcutta, the 6th July, 1993

INCOME TAX

S.O. 2108.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income Tax Act, 1961 under the category "Institution" subject to the following conditions :

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Sangeet Research Academy,
1, Netaji Subhas Chandra Bose Road,
Tollygunge,
Calcutta-700040.

This Notification is effective for the period from 1-4-93 to 31-3-94.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 866/F. No. DG/IT(E)/WB-28/35(1)(ii)(90)]

MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई, 1993

प्रायकर

का. आ. 2109.—पर्यमाधारण को एनद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संव" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्टर फार लिक्वीड क्रिस्टल रिसर्च

पोस्ट बाक्स नं.-1329

जलाहली

बंगलौर-560013

यह अधिसूचना दिनांक 25-1-93 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 867/एफ. सं. म. नि./आ. क.
(छूट) के.टी-44/35'(1)(ii)/93]

श्रीमती एस. राय, उप निदेशक

Calcutta, the 6th July, 1993

INCOME TAX

S.O. 2109.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Liquid Crystal Research,
Post Box No. 1329,
Jalahalli,
Bangalore-560013.

This Notification is effective for the period from 25-1-93 to 31-3-94.

NOTES :

1. Condition (i) above will not apply to organisations categorised as associations.
2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 867/F. No. DG/IT(E)/KT-44/35(1)(ii)/93]

MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई, 1993

आयकर

का.आ. 2110.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संव" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इलेक्ट्रॉनिक्स रिसर्च एण्ड डेवलपमेंट सेंटर

येलम बालम

थिरुवन नतापुरम-695033, त्रिवेन्द्रम

यह अधिसूचना दिनांक 1-4-93 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 868 (एफ. स. म. नि./आ. क.
(छूट) के-13/35(1) (ii)/93]
श्रीमती एस. राय, उपनिदेशक

Calcutta, the 6th July, 1993

INCOME-TAX

S.O. 2110.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Electronics Research & Development Centre,
Yellayambalam,
Thiruvananthapuram-695033,
Trivandrum.

This Notification is effective for the period from 1-4-93 to 31-3-94.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-

tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 868/F. No. DG/IT(E)/K-13/35(1) (ii)/93]

MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई 1993

आयकर

का. आ. 2111 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

- (1) संगठन अनुसंधान कार्यों के लिए अपना लेखा बहियां रखेगा ;
- (2) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग; "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और
- (3) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्क कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिस्सा को भी प्रस्तुत करेगा।

संगठन का नाम

माइन्स एंड टेक्नोलॉजी एस्ट्रॉनॉमिकल रूडकी
आल्टरनेट हाइड्रो एनर्जी सेंटर
यूनिवर्सिटी ऑफ रूडकी
रूडकी-247667

यह अधिसूचना दिनांक 1-4-91 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन

की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[सं. 869/फा. सं. म. नि./आ. क. (छूट) यू० पी-25/35 (1)(ii)/90]

श्रीमती एस. राय, उप निदेशक

Calcutta, the 6th July, 1993

INCOME TAX

S.O. 2111.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes for clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Science and Technology Entrepreneurship Roorkee,
Alternate Hydro Energy Centre,
University of Roorkee,
Roorkee-247667.

This Notification is effective for the period from 1-4-91 to 31-3-94.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 869/F. No. DG/IT(E)/UP-25/35(1)(ii)/90]
MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई, 1993

आयकर

फा. आ. 2112 :—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6

के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ;

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा ; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इन्दुकेम रिसर्च एंड डेवलपमेन्ट लेबोरेटरी,
प्लॉट सं०-47,
गांधी-पेरुनगुडी,
मद्रास-600096.

यह अधिसूचना दिनांक 1-4-92 से 31-3-93 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 870 (एफ. सं. म. नि./आ. क. (छूट) टी. एन.-15/35(1)(ii)/89)]

श्रीमती एस. राय, उप निदेशक

Calcutta, the 6th July, 1993

INCOME TAX

S.O. 2112.—It is hereby notified for general information that the organisation mentioned below has been approved by

the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemption), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indchem Research & Development Laboratory,
Plot No. 47,
Village : Perungudi,
Madras-600096.

This Notification is effective for the period from 1-4-92 to 31-3-93.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 870/F. No. DG/IT(E)/TN-15/35(1) (ii) |89]

MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई, 1993

आयकर

का. आ. 2113:—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

- (iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक

तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35 (1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

न्यूट्रिशन फाउंडेशन ऑफ इंडिया,
बी-37, गुलमोहर पार्क,
नई दिल्ली-110049.

यह अधिसूचना दिनांक 1-4-90 से 31-3-93 तक की अवधि के लिए प्रभावी है।

टिप्पणी :—1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 871 (एफ. स. म. नि./आ. क. (छूट) एन डी-70/35(1) (ii)/90)]

श्रीमती एस. राय, उप निदेशक

Calcutta, the 6th July, 1993

INCOME TAX

S.O. 2113.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemption), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Nutrition Foundation of India, B-37, Gulmohar Park,
New Delhi-110049.

This Notification is effective for the period from 1-4-90 to 31-3-93.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 871/F. No. DG/IT(E)/ND-70/35(1)(ii)/90]
MRS. S. RAY, Dy. Director

कलकत्ता, 6 जुलाई, 1993

आयकर

का. आ. 2114.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर “संघ” संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष की 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग “प्रौद्योगिकी भवन” न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखों की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंडियन इन्स्टीच्यूट आफ हेल्थ मैनेजमेन्ट रिसर्च,
1, प्रभुदयाल मार्ग, संगानेर एयरपोर्ट
जयपुर-302011

यह अधिसूचना दिनांक 1-4-93 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—1. उपर्युक्त शर्त (1) “संघ” जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 872 (एफ. सं. म. नि./आ. क. (छूट)आर-4/
35(1)(ii)/89]

श्रीमती एस. राय, उपा निदेशक

Calcutta, the 6th July, 1993
INCOME TAX

S.O. 2114.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category “Association” subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, ‘Technology Bhawan’, New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian Institute of Health Management Research,
1, Prabhudayal Marg, Sanganeer Airport,
Jaipur-302011.

This Notification is effective for the period from 1-4-93 to 31-3-96.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 872/F. No. DG/IT(E)/R-4/35(1)(ii)/89]

कलकत्ता, 7 जुलाई, 1993

Calcutta, the 7th July, 1993

INCOME TAX

आयकर

का. आ. 2115—पर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्तूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट) (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसेर्व कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

कार्ब इन्स्टीच्यूट ऑफ सोशल सर्विस,
हिलसाइड, 18-ए, कार्ब नगर,
पूना-411052

यह अधिसूचना दिनांक 1-4-1990 से 31-3-1993 तक की अवधि के लिए प्रभावी है।

टिप्पणी 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता की तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 873 (एफ. सं. म. नि./आ. क. (छूट)
एम 124/35(1) (iii)/90]

श्रीमती एस. राय, उप निदेशक

S.O. 2115.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

(i) The organisation will maintain separate books of accounts for its research activities ;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Karve Institute of Social Service,
Hillside, 18-A, Karve Nagar,
Pune-411052.

This Notification is effective for the period from 1-4-1990 to 31-3-1993.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

(2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 873/F. No. DG/IT(E)/M-124/35(1)(iii)/90]
MRS. S. RAY, Dy. Director

कलकत्ता, 7 जुलाई, 1993

आय-कर

का. आ. 2116.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा परीक्षित वार्षिक लेखा को प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ना है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्न्स कार्यों सम्बन्धित छूट के बारे में लेखा परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेंटर फार एप्लाइड सिस्टम एनालाइसिस

इन डेवलपमेंट,

ब्लॉक-3/8, सालुके विहार,

पूना-411048

यह अधिसूचना दिनांक 1-4-89 से 31-3-92 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—1 उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ना है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 874 (एफ. सं. म. नि./आ. क.
(छूट) एम-54/35(1)(iii)/89]
श्रीमती एस. राय, उप-निदेशक

Calcutta, the 7th July, 1993

INCOME-TAX

S.O. 2116.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemption), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Applied System Analysis Development, D3/8,
Saluka Vihar, Pune-411048.

This Notification is effective for the period from 1-4-1989 to 31-3-1992.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 874/F. No. DG/IT(E)/M-54/35(1)(iii)/89]

SMT. S. RAY, Dy. Director

कलकत्ता, 7 जुलाई, 1993

आयकर

का. आ. 2117.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा-बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ना है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्न्स कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेंटर फार एप्लाइड सिस्टम एनालाइसिस इन

डेवलपमेंट,

ब्लॉक-3/8, सालुके विहार,

पूना-411048

यह अधिसूचना दिनांक 1-4-1992 से 31-3-1994 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—1. उपर्युक्त शर्त (i) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 875 (एफ. सं. म. नि./आ. क. (छूट) एम-54/35(1)(iii)/80]

श्रीमती एस. राय, उप-निदेशक

Calcutta, the 7th July, 1993

INCOME-TAX

S.O. 2117.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Centre for Applied Systems Analysis in Development,
D 5/8, Salunke Vihar,
Pune-411048.

This Notification is effective for the period from 1-4-1992 to 31-3-1994.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of

approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 875/F. No. DG/IT(E)/M-54/35(1)(iii)/80]

MRS. S. RAY, Dy. Director

कलकत्ता, 7 जुलाई, 1993

आयकर

का. आ. 2118.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

काउंसिल आफ साइंटिफिक एंड इन्डस्ट्रियल रिसर्च,
रफी मार्ग, नई दिल्ली-110001

यह अधिसूचना दिनांक 1-4-1992 से 31-3-1995 तक की अवधि के लिए प्रभावी है

टिप्पणी:—1. उपर्युक्त शर्त (i) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां

सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 876/एफ. सं. म. नि./आ. क. (छूट)/न.दि.-77 कल. 35(1) (ii)/90-91]

श्रीमती एस. राय, उप-निदेशक

Calcutta, the 7th July, 1993

INCOME-TAX

S.O. 2118.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Council of Scientific & Industrial Research,
Rafi Marg,
New Delhi-110001.

This Notification is effective for the period from 1-4-92 to 31-3-95.

Notes : (1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 876/F. No. DG/IT(E)/ND-77/Cal./35(1)(ii)/90-91]

MRS. S. RAY, Dy. Director

कलकत्ता, 8 जुलाई, 1993

आयकर

का. आ. 2119.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर, नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

1905 GI/94—3

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, प्रौद्योगिकी भवन, न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिन क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमार्क कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

सेन्टर फॉर एडवांस्ड स्ट्रेटिजिक स्टडीज़,

मालसे बंगलो,

55/24, इरांडाबाना

अशोक पथ, पूना-411004

यह अधिसूचना दिनांक 30-11-92 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन को अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 877/एफ. सं. म. नि./आ. क. (छूट) एन-159/35(1)(iii)]

श्रीमती एस. राय, उप-निदेशक

Calcutta, the 8th July, 1993

INCOME-TAX

S.O. 2119.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities ;

- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific and Industrial Research, 'Technology Bhawan' New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemption), (b) Secretary, Department of Scientific and Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Centre For Advanced Strategic Studies, Malse Bunglow,
55/24, Erandawana, Ashok Path, Pune-411 004.

This notification is effective for the period from 30-11-92 to 31-3-94.

Notes.—(1) Condition (i) above will not apply to organisations categorised as associations.

- (2) The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 877/F. No. DG/IT(E)/M-159/35(1)(iii)]

MRS. S. RAY, Dy. Director

कलकत्ता, 14 जुलाई, 1993

आयकर

का. आ. 2120.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर 'संस्था' संवर्ग के अधीन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा ;
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा ; और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम,

1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

ब्रीच केन्डी मेडिकल रिसर्च सेंटर

60, भुलाभाई देसाई रोड,

बंबई-400026

यह अधिसूचना दिनांक 30-11-92 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी:—1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 878/एफ. सं. म. नि./आ. क. (छूट) एम. 5/
35 (1) (ii) 89]

श्रीमती एस. राय, उपनिदेशक

Calcutta, the 14th July, 1993

INCOME-TAX

S.O. 2120.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of the Income-tax Act, 1961.

NAME OF THE ORGANISATION

Breach Candy Medical Research Centre,
60, Bhulabhai Desai Road,
Bombay-400026.

This Notification is effective for the period from 1-4-92 to 31-3-94.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 878/F. No. DG/IT(E)/M-5/35(1)(ii)/89]

MRS. S. RAY, Dy. Director

कलकत्ता, 14 जुलाई, 1993

आयकर

का. आ. 2121—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दो गई रिचर्व कार्यों संबंधित छूट के बारे में लेखा-परीक्षा आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

श्री अरविन्द इंस्टीट्यूट ऑफ रिसर्च

इन सोशल साइन्सेस,

1. रंगापिल्लई स्ट्रीट, पोंडिचेरी-605001

यह अधिसूचना दिनांक 1-4-93 से 31-3-94 तक की अवधि लिये प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 879/एफ. स. म. नि./आ. क. (छूट) पोन.-I/
35 (1) (iii)/89]

श्रीमती एस. राय उप-निदेशक

Calcutta, the 14th July, 1993

INCOME TAX

S.O. 2121.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Sri Aurobindo Institute of Research in Social Sciences,
1, Rangapillai Street,
Pondicherry-605001.

This Notification is effective for the period from 1-4-93 to 31-3-94.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific and Industrial Research.

[No. 879/F. No. DG/IT(E)/Pon-I/35(1)(iii)/89]

MRS. S. RAY, Dy. Director

कलकत्ता, 14 जुलाई, 1993

आयकर

का.आ. 2122—सर्वसाधारण को एतद्द्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम 1961 की धारा 35 की उपधारा (1) के खंड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के

31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी, भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट), जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

पूज्य सोहनलाल स्मारक पारश्वानथ शोध पीठ
20/6, मथुरा रोड,
फरीदाबाद-121006

यह अधिसूचना दिनांक 01-4-92 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (1) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट), जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 880 (एफ. सं. म. नि./आ.क. (छूट) एच-2/
35 (1) (iii)/89

श्रीमती एस. राय, उपनिदेशक

Calcutta, the 14th July, 1993

INCOME TAX

S.O. 2122.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Pujya Sohanlal Smarak Parshvanth
Shodh Peeth,
20/6, Mathura Road,
Faridabad-121006.

This Notification is effective for the period from 01-4-92 to 31-3-94.

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 880/F. No. DG/IT(E)/H-2/35(1)(iii)/89-IT(E)]

MRS. S. RAY, Dy. Director
Income-tax (Exemptions)

कलकत्ता, 15 जुलाई, 1993

आयकर

का.आ. 2123 —सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खंड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है:—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति, (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

डा० रेड्डीस रिसर्च फाउंडेशन
पसले स्टैंडर्ड रिसर्च सेंटर
7-1-27, अमरपेट हैदराबाद-16

यह अधिसूचना दिनांक 9-12-91 से 31-4-92 तक की अवधि के लिए प्रभावी है।

यह अधिसूचना दिनांक 9-12-91 से 31-3-92 तक की अवधि के लिये प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्त (i) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 381/एफ.सं. म.नि./आ.क. (छूट) आ.प्र.०-17/
35 (1) (ii)/90-01]

श्रीमती एम. राय, उपनिदेशक

Calcutta, the 15th July, 1993

INCOME TAX

S.O. 2123.--It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Association" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Dr. Reddy's Research Foundation,
Formerly : Standard Research Centre,
7-1-27, Ameerpet, Hyderabad-16.

This Notification is effective for the period from 9-12-1991 to 31-3-1992.

NOTES : 1.--Condition (i) above will not apply to organisation categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 881/T. No. DG/IT(E)/AP-17/35(1)(ii)/90-91]
SMT. S. RAY, Dy. Director

कलकत्ता, 19 जुलाई, 1993

आयकर

का.आ. 2124 :-- सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड

(iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :--

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा वहीयां रखेगा ?

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई निम्न कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हितान्व को भी प्रस्तुत करेगा।

संगठन का नाम

इंडिया इन्स्टीट्यूट आफ मैनेजमेंट कलकत्ता
जोका डायमंड हारबर रोड,
पोस्ट बॉक्स नं 16757 पी ओ अलीपुर,
कलकत्ता-700027

यह अधिसूचना दिनांक 1-4-88 से 31-3-91 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या 382/एफ.सं. म.नि./आ.क. (छूट) प.प्र.-31/
35(1) (iii)/90-91]

श्रीमती एस. राय, उपनिदेशक,

Calcutta, the 19th July, 1993

INCOME TAX

S.O. 2124.--It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year ; and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of the audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1981.

NAME OF THE ORGANISATION

Indian Institute of Management, Calcutta,
Joka, Diamond Harbour Road,
Post Box No. 16757, P.O. Alipore,
Calcutta-700027.

This Notification is effective for the period from 1-4-88 to 31-3-91.

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 882/F. No. DG/IT(E)/WB-31/35(1)(iii)/90-91]

SMT. S. RAY, Dy. Director

कलकत्ता, 19 जुलाई, 1993

आयकर

का.आ. 2125—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (iii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर, "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियाँ रखेगा ;

(ii) यह अपने वैज्ञानिक अनुसंधान संबंधी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्स कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-अपय हिस्सा को भी प्रस्तुत करेगा।

संगठन का नाम

इंडियन इन्स्टीट्यूट ऑफ मैनेजमेंट, कलकत्ता
जोका, डायमंड हारबर रोड,
पोस्ट बॉक्स नं. 16757, पो. आ. अलीपुर,
कलकत्ता-700027

यह अधिसूचना दिनांक 1-4-91 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियाँ सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 883/एफ.सं. म.नि./आ.क. (छूट) प.बं.-31/
35(1) (iii)/90-91]

श्रीमती एस. राय, उपनिदेशक।

Calcutta, the 19th July, 1993

INCOME TAX

S.O. 2125.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (iii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, "Technology Bhawan", New Hehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Indian Institute of Management, Calcutta,
Joka, Diamond Harbour Road,
Post Box No. 16757, P.O. : Alipore,
Calcutta-700027.

This Notification is effective for the period from 1-4-91 to 31-3-94.

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six

copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[संख्या : 884/एफ. नं. म. गि./आ. क. (छूट) नं. दि. 103/35(1) (ii)/90-91]

[No. 883/F. No. DG/IT(E)/WB-31/35(1)(iii)/90-91]
SMT. S. RAY, Dy. Director

श्रीमति एस. राय, उपनिदेशक

कलकत्ता, 20 जुलाई, 1993

आयकर

Calcutta, the 20th July, 1993

INCOME TAX

का.आ. 2126.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

S.O. 2126.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

(i) संगठन/अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है, और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिमर्न कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिमाव को भी प्रस्तुत करेगा।

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Asian Energy Institute,
B-475, Greater Kailash-II,
New Delhi-110 048.

This Notification is effective for the period from 30-7-92 to 31-3-94.

संगठन का नाम

एशियन एनर्जी संस्थान
ई-475 ग्रेटर कैलाश-II
नई दिल्ली-110048

यह अधिसूचना दिनांक 30-7-92 से 31-3-94 तक की अवधि के लिए प्रभावी है।

NOTES : 1.—Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

टिप्पणी : 1. उपर्युक्त शर्त (1) "संस्था" जैसा संवर्ग के लिए लागू नहीं होगा।

[No. 884/F. No. DG/IT(E)/ND-103/35(1)(ii)/90-91]

SMT. S. RAY, Dy. Director

कलकत्ता, 20 जुलाई, 1993

आयकर

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

का.आ. 2127.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii)

के लिए, आयकर नियम के नियम 6 के अंतर्गत विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संवर्ग के अंतर्गत अनुमोदित किया जाता है—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिषा रखेगा;
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली 110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग; और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई निम्न शर्तों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इंटर यूनिवर्सिटी सेंटर फॉर एस्ट्रोनोमी एंड एस्ट्रोफिजिक्स,
पोस्ट बैग-4, गणेशखिन्द,
पुणे-411007

यह अधिसूचना दिनांक 1-4-93 से 31-3-96 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उल्लेखित शर्त (i) "संघ" जैसा प्रवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करता है।

[संख्या : 885/एफ.स. म.नि./मा.क. (छूट)एम.-77/
35(1) (ii)/90-91]

श्रीमती एस. राय, उपनिदेशक

Calcutta, the 20rd July, 1993

INCOME-TAX

S.O. 2127.—It is hereby notified for general information that the organisation mentioned below has

been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION :

Inter University Centre for Astronomy & Astrophysics,
Post Bag 4, Ganeshkhind,
Pune-411007.

This Notification is effective for the period from 1-4-93 to 31-3-96.

NOTES : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 885/F. No. DG/IT(E)/M-77/35(1) (ii)/90-91]

SMT. S. RAY, Dy. Director

कलकत्ता, 20 जुलाई, 1993

आयकर

कां० आ० 2128--सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर

अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अर्जन अनुमोदित किया गया है :—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहियां रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रोद्योगिकी भवन" न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

ट्यूबरकुलोसिस रिसर्च सेंटर,
अमरगढ़-364210,
गुजरात-भारत

यह अधिसूचना दिनांक 1-4-93 से 31-3-96 तक की अवधि के लिए प्रभावी है।

- टिप्पणी : 1. उपर्युक्त शर्त (1) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 886/एफ.सं. म.नि./आ.क. (छूट) /जी-2/
35(1) (ii)/90-91]

श्रीमती एस. राय, उपनिदेशक

Calcutta, the 29th July, 1993

INCOME-TAX

S.O. 2128.—It is hereby notified for general information that the organisation mentioned below has

been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961

NAME OF THE ORGANISATION

Tuberculosis Research Centre,
Amargadh-364210,
Gujarat, India.

This Notification is effective for the period from 1-4-93 to 31-3-96.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 886/F. No. DG|IT(E)|G-2|35(1) (ii)|90-91]
SMT. S. RAY, Dy. Director

कलकत्ता, 29 जुलाई, 1993

आयकर

का०आ० 2129.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्नलिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम, के नियम 6 के अधीन विहित

प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संघ" संघर्ष के अधीन अनुमोदित किया गया है :—

Calcutta, the 29th July, 1994

INCOME TAX

S.O. 2129.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

(i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा ;

(ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिये, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन", न्यू मेहरौली रोड, नई दिल्ली-110016 को भेजेगा; और

(iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई विवरण हार्गे कलाय सम्बन्धित (छूट) के बारे में लेखा-परीक्षित आ-आय हिसाब को भी प्रस्तुत करेगा।

(i) The organisation will maintain separate books of accounts for its research activities;

(ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year: and

(iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax/Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

संगठन का नाम

हरिलाल जयचंद दोशी सार्वजनिक अस्पताल तथा
मैडिकल रिसर्च सेंटर, मालवीय नगर,
गोंडाल रोड, पी. डी. कालविय वाणिज्य कालेज,
राजकोट-360004

NAME OF THE ORGANISATION

Harilal Jechand Doshi Sarvajanic Hospital and Medical
Research Centre, Malaviyanagar, Gondal Road, P. D.
Malaviva Commerce College, Rajkot-360 004.

This Notification is effective for the period from
1-4-90 to 31-3-93.

NOTES :

1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax/Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 887/F. No. DG/IT(E)/G-56/35(1)(ii)/90-91]

SMT. S. RAY, Dy. Director

कलकत्ता, 30 जुलाई, 1993

आयकर

[संख्या : 887/एफ.सं. म.नि./आ.क. (छूट) जी-56/
35 (1) (ii)/90-91]

श्रीमती एस. राय, उपनिदेशक आयकर

का.आ. 2130:—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्न-लिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के

खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारों द्वारा निम्नलिखित शर्तों पर "संस्था" संवर्ग के अधीन अनुमोदित किया गया है :—

Calcutta, the 30th July, 1993

(INCOME-TAX)

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहीयां रखेगा,
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों का एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू मेहरोली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है और आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

इन्स्टीच्यूट ऑफ पेस्टीसाइड फार्मुलेशन टेक्नोलॉजी,
सेक्टर 20, उद्योग विहार,
गुरुगांव-122016

यह अधिसूचना दिनांक 3-4-92 से 31-3-94 तक की अवधि के लिए प्रभावी है।

टिप्पणी: 1. उपर्युक्त शर्तें (i) "संव" जैसा संवर्ग के लिए लागू नहीं होगा।

2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या : 888/एफ.सं. म.नि./आ.क. (छूट) नवि-107/
35(1) (ii)/90-91]

श्रीमती एस. राय, उपनिदेशक

S.O. 2130.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions :

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Institute of Pesticide Formulation Technology,
Sector 20, Udyog Vihar,
Gurgaon-122016.

This Notification is effective for the period from 3-4-92 to 31-3-94.

Notes : 1. Condition (i) above will not apply to organisations categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 888|F. No. DG|IT(E)ND-107|35(1)|ii|90-91]

SMT. S. RAY, Dy. Director

कलकत्ता, 30 जुलाई, 1993

Calcutta, the 30th July, 1993

आयकर

(INCOME-TAX)

कांआ० 2131.—सर्वसाधारण को एतद्वारा सूचित किया जाता है कि निम्न-उल्लिखित संगठन को, आयकर अधिनियम, 1961 की धारा 35 की उपधारा (1) के खण्ड (ii) के लिए, आयकर नियम के नियम 6 के अधीन विहित प्राधिकारी द्वारा निम्नलिखित शर्तों पर "संस्थान" संवर्ग के अधीन अनुमोदित किया गया है:—

- (i) संगठन अनुसंधान कार्यों के लिए अलग लेखा बहिया रखेगा।
- (ii) यह अपने वैज्ञानिक अनुसंधान सम्बन्धी कार्यों एक वार्षिक विवरण प्रत्येक वित्तीय वर्ष के लिए, प्रत्येक वर्ष के 31 मई तक सचिव, वैज्ञानिक व औद्योगिक अनुसंधान विभाग, "प्रौद्योगिकी भवन" न्यू महरौली रोड, नई दिल्ली-110016 को भेजेगा, और
- (iii) यह प्रत्येक वर्ष के 31 अक्टूबर तक लेखा-परीक्षित वार्षिक लेखा की प्रति (क) आयकर महानिदेशक (छूट), (ख) सचिव, वैज्ञानिक तथा औद्योगिक अनुसंधान विभाग, और (ग) आयकर आयुक्त/आयकर महानिदेशक (छूट) जिनके क्षेत्राधिकार में उक्त संगठन पड़ता है आयकर अधिनियम, 1961 की धारा 35(1) में दी गई रिसर्च कार्यों सम्बन्धित छूट के बारे में लेखा-परीक्षित आय-व्यय हिसाब को भी प्रस्तुत करेगा।

संगठन का नाम

हरिलाल जयचंद दोशी मेडिकल रिसर्च फाउन्डेशन
मालवीय नगर,
गोंडाल रोड,
राजकोट-360004।

यह अधिसूचना दिनांक 1-4-93 से 31-3-94 तक की अवधि के लिए प्रभावी है।

- टिप्पणी: 1. उपर्युक्त शर्त (i) "संघ" जैसा संवर्ग के लिए लागू नहीं होगा।
2. संगठन को सुझाव दिया जाता है कि वे अनुमोदन की अवधि बढ़ाने के लिए आयकर आयुक्त/आयकर निदेशक (छूट) जिनके क्षेत्राधिकार में संगठन पड़ता है के माध्यम से आयकर महानिदेशक (छूट), कलकत्ता को तीन प्रतियों में आवेदन करें, अनुमोदन की अवधि बढ़ाने के संबंध में किए आवेदन-पत्र की 6 प्रतियां सचिव, वैज्ञानिक और औद्योगिक अनुसंधान विभाग को प्रस्तुत करना है।

[संख्या: 889/एफ.सं. म.नि./आ.क. (छूट) गुज. 26/
35(1) (ii)/90]

श्रीमती एस. राय, उपनिदेशक

S.O. 2131.—It is hereby notified for general information that the organisation mentioned below has been approved by the Prescribed Authority under Rule 6 of the Income-tax Rules, for the purposes of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 under the category "Institution" subject to the following conditions:

- (i) The organisation will maintain separate books of accounts for its research activities;
- (ii) It will furnish the Annual Return of its scientific research activities to the Secretary, Department of Scientific & Industrial Research, 'Technology Bhawan', New Mehrauli Road, New Delhi-110016 for every financial year by 31st May of each year; and
- (iii) It will submit to the (a) Director General of Income-tax (Exemptions), (b) Secretary, Department of Scientific & Industrial Research, and (c) Commissioner of Income-tax|Director of Income-tax (Exemptions), having jurisdiction over the organisation, by the 31st October each year, a copy of its audited Annual Accounts and also a copy of audited Income and Expenditure Account in respect of its research activities for which exemption was granted under sub-section (1) of Section 35 of Income-tax Act, 1961.

NAME OF THE ORGANISATION

Harilal Jechand Doshi
Medical Research Foundation,
Malaviyanagar,
Gondal Road,
Rajkot-360004.

This Notification is effective for the period from 1-4-93 to 31-3-94.

Notes : 1. Condition (i) above will not apply to organisation categorised as associations.

2. The organisation is advised to apply in triplicate and well in advance for further extension of the approval, to the Director General of Income-tax (Exemptions), Calcutta through the Commissioner of Income-tax|Director of Income-tax (Exemptions) having jurisdiction over the organisation. Six copies of the application for extension of approval should be sent directly to the Secretary, Department of Scientific & Industrial Research.

[No. 889/F. No. DG|IT(E)|G-26|35(1) (ii)|
90(B)]

SMT. S. RAY, Dy. Director

New Delhi, the 10th August, 1994

(अधिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 9 अगस्त, 1994

का.आ. 2133.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से 30 मार्च, 1996 तक सिरोही सेंट्रल को-ऑपरेटिव बैंक लि., सिरोही (राजस्थान) पर लागू नहीं होंगे।

[एफ.सं. 1-1/94-ए.सी.]

एम.एल. कुकरेजा, अवर सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 9th August, 1994

S.O. 2132.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Sirohi Central Co-operative Bank Ltd., Sirohi (Rajasthan) from the date of publication of this notification in the official Gazette to 30th March, 1996.

[F. No. 1(1)/94-AC]

M. L. KUKREJA, Under Secy.

नई दिल्ली, 10 अगस्त, 1994

का.आ. 2133.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 4(1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, राष्ट्रीय कृषि और ग्रामीण विकास बैंक की पूंजी को एक सौ बीस करोड़ रुपये से तीन सौ तीस करोड़ रुपये तक बढ़ाती है।

[एफ.सं. 7(30)/94-ए.सी.]

एम.एल. कुकरेजा, अवर सचिव

(केन्द्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 5 अगस्त, 1994

(आयकर)

का.आ. 2135.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 द्वारा प्रदत्त शक्तियों तथा इसे इस संबंध में सक्षम बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड दिनांक 6-2-1986 की अपनी अधिसूचना संख्या 5587 (फा.सं. 187/1/86-आ.क.नि.०-1) में निम्नलिखित संशोधन करता है:—

कॉलम 3, 4 और 5 में उल्लिखित अधिकारी क्र. सं. 1 एवं 2 के सामने कॉलम 2 में यथानिर्दिष्ट व्यक्तियों के संबंध में क्षेत्राधिकार का प्रयोग करेंगे।

क्रम सं.	व्यक्ति	उप आयकर आयुक्त	आयकर आयुक्त (अ०)	आयकर आयुक्त
1	2	3	4	5
1.	विदेशी कम्पनियाँ/कंसर्न/संयुक्त उद्यम, उनके उप डेकदार तथा प्रतिनिधि, जिन्हें तेल एवं प्राकृतिक गैस निगम लि. द्वारा, तेल एवं प्राकृतिक गैस निगम लि. और इस प्रकार की विदेशी कम्पनियों/कंसर्न/संयुक्त	उप आयुक्त विशेष रेंज-1, देहरादून उत्तर प्रदेश	आयकर आयुक्त (अपील) देहरादून	आयकर आयुक्त मेरठ

S.O. 2133.—In exercise of the powers conferred by Section 4(i) of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, increases the capital of the National Bank for Agriculture and Rural Development from one hundred and twenty crores of rupees to three hundred and thirty crores of rupees.

[No. F. 7(30)/94-AC]

M. L. KUKREJA, Under Secy.

नई दिल्ली, 11 अगस्त, 1994

का.आ. 2134.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा (1) के उपबंध सरकारी राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से 31 मार्च, 1997 तक बीजापुर डिस्ट्रिक्ट सेंट्रल को-ऑपरेटिव बैंक लि., बीजापुर (कर्नाटक राज्य) पर लागू नहीं होंगे।

[एफ.सं. 1/1/94-ए.सी.]

एम.एल. कुकरेजा, अवर सचिव

New Delhi, the 11th August, 1994

S.O. 2134.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Bijapur District Central Co-operative Bank Ltd., Bijapur (Karnataka State) from the date of publication of this Notification in the official Gazette to 31 March 1997.

[F. No. 1(1)/94-AC]

M. L. KUKREJA, Under Secy.

1	2	3	4	5
	उद्यमों/उप ठेकेदारों/प्रतिनिधियों आदि के बीच किए गए करार/कार्य आदेशों आदि के अनुसार भारत में विभिन्न स्थानों पर उसके संकायों अथवा उसके समुद्रपारीय संकायों के सिलसिले में तकनीकी अथवा अन्य सेवाओं, रायल्टी आदि सहित औद्योगिक/वाणिज्यिक कार्यों को निष्पादित करने के प्रयोजनार्थ लगाया गया है।			
2.	अनिवासी कम्पनियों/कंसर्नों के कर्मचारी, जिनमें उक्त अनिवासी कम्पनियों/कंसर्नों की संबद्ध कम्पनियों के कर्मचारी भी शामिल हैं और इस प्रकार की अनिवासी कम्पनियों/कंसर्नों के उप ठेकेदार, जिन्हें मुख्यतया तेल एवं प्राकृतिक गैस निगम लि० द्वारा, तेल एवं प्राकृतिक गैस निगम लि० और इस प्रकार की अनिवासी कम्पनियों/कंसर्नों/उप-ठेकेदारों/प्रतिनिधियों/संयुक्त उद्यमों आदि के बीच किए गए करार के अनुसार भारत में विभिन्न स्थानों पर उसके संकाया अथवा उसके समुद्रपारीय संकायों के सिलसिले में तकनीकी अथवा अन्य सेवाओं, रायल्टी आदि सहित औद्योगिक/वाणिज्यिक कार्यों को निष्पादित करने के प्रयोजनार्थ लगाया गया है।	34 आयुक्त विशेष रेंज-1, देहरादून, उत्तर प्रदेश	आयकर आयुक्त (अ०) देहरादून	आयकर आयुक्त मेरठ

यह अधिसूचना पहली फरवरी, 1994 से प्रभावी होगी।

[सं० 9579/फा०सं०/186/59/94—आयकर नि०-1]

केशव देव, सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 5th August, 1994.

(INCOME-TAX)

S.O. 2135 —In exercise of the powers conferred under section 120 of the Income tax Act, 1961 (43 of 1961) and of all other powers enabling it in this behalf, the Central Board of Direct Taxes makes the following amendment to its notification No. 6586 (F. No. 187/1/86-ITA-I) dated 6-2-1986 :

The officers mentioned in Cols. 3, 4 and 5 shall exercise jurisdiction in respect of persons as specified in col. 2 against Sl. Nos. 1 & 2.

Sl. No.	Persons	Dy. CIT	CIT(A)	CIT
1	2	3	4	5
1. Foreign	Companies/Concerns/Joint Ventures which are engaged by the Oil and Natural Gas Corporation Limited, their sub-contractors and assignees for the purpose of rendering industrial/commercial works including technical or other services, royalty etc. in relation to its operations at various places in India or in relation to its offshore operations in accordance with the agreement/work orders between ONGC Ltd. and such foreign companies/concerns, joint Ventures/sub-contractors/assignees etc.	Deputy Commissioner Spl. Range-I, Dehradun, U.P.	Commissioner of Income tax (Appeals) Dehradun.	Commissioner of Income tax Meerut.

1	2	3	4	5
2.	Employees of non-resident companies/concerns including employees of the non-resident affiliates and sub-contractors of such non-resident companies, concerns which are engaged mainly by the Oil and Natural Gas Corp. Ltd., for the purpose of rendering industrial/commercial works, including technical or other services, royalty etc. in relation to its operations at various places in India or in relation to its offshore operations relations in accordance with the agreement between ONGC Ltd. and such non-resident companies/concerns/sub-contractors/assignees/joint ventures etc.	Deputy Commr. Spl. Range-I, Dehradun U.P.	Commissioner of Income tax (Appeals) Dehradun.	Commissioner of Income tax Meerut.

This notification shall take effect from 1st February, 1994.

[No. 9579/F. No. 186/59/94-II A-I]
KESHAV DEV, Secy.

मुख्य आयकर आयुक्त-II का कार्यालय,
कलकत्ता, 19 मई, 1994

OFFICE OF THE CHIEF COMMISSIONER OF INCOME-TAX-II

Calcutta, the 19th May, 1994

का. आ० 2136: सं० 1.—आयकर आयुक्त, पश्चिम बंगाल-X, कलकत्ता के क्षेत्राधिकार में आयकर उपायुक्त, विशेष रेंज-19, कलकत्ता का प्रभार एतद्वारा दिनांक 1-6-1994 से समाप्त कर दिया जाता है।

S.O. 2136 : No. 1.—The charge of the Deputy Commissioner of Income-tax, Special Range-19, Calcutta within the jurisdiction of the Commissioner of Income-tax, West Bengal-X, Calcutta is hereby abolished with effect from 1-6-94.

2. आगे, आयकर आयुक्त, पश्चिम बंगाल-III, कलकत्ता के क्षेत्राधिकार में आयकर उपायुक्त विशेष रेंज-23, कलकत्ता के नाम से एक नया प्रभार एतद्वारा दिनांक 01-6-94 से सृजित किया गया है जिसका मुख्यालय कलकत्ता है।

2. Further, a new charge to be known as Deputy Commissioner of Income-tax, Special Range-23, Calcutta, within the jurisdiction of the Commissioner of Income-tax, West Bengal-III, Calcutta, is hereby created with effect from 1st June, 1994 with its headquarters at Calcutta.

[सं० स०आ०/मुखा०/योजना/10/94-95]
अमिताभ चटर्जी, मुख्य आयकर आयुक्त-II

[No. AC/HQ/Planning/10/94-95]
AMITAVA CHATTERJEE, Chief Commissioner of Income

भाषाई प्रति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय
(भारतीय मानक ब्यूरो)

नई दिल्ली, 21 जुलाई, 1994

का. आ. 2137.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड "ख" के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिये गए मानक (को) में संशोधन किया गया है/किये गये हैं।

अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख
1	2	3
1. आईएस: 57—1989	संशोधन सं. 1 नवम्बर, 1993	1993-11-30
2. आईएस: 251—1982	संशोधन सं. 2 अप्रैल, 1994	1994-04-30

1	2	3
3. आई एम : 277—1990	संशोधन सं. 2 दिसम्बर, 1993	1993-12-31
4. आई एम : 302-2-201—(1992)	संशोधन सं. 2 दिसम्बर, 1993	1994-05-31
5. आई एम : 302-2-3(1992)	संशोधन सं. 3 मई, 1994	1994-05-31
6. आई एम : 418—1978	संशोधन सं. 7 मई, 1994	1994-05-31
7. आई एम : 814—1991	संशोधन सं. 1 जनवरी, 1994	1994-01-31
8. आई एम : 933—1989	संशोधन सं. 1 जनवरी, 1994	1994-01-31
9. आई एम : 1180(भाग 1)—1989	संशोधन सं. 1 अप्रैल, 1994	1994-04-30
10. आई एम : 1371—1992	संशोधन सं. 1 जून, 1994	1994-06-30
11. आई एम : 1448(भाग 28)—1985	संशोधन सं. 1 दिसम्बर, 1993	1993-12-31
12. आई एम : 1536—1989	संशोधन सं. 2 नवम्बर, 1993	1993-11-30
13. आई एम : 1785(भाग 1)—1983	संशोधन सं. 3 दिसम्बर, 1993	1993-12-31
14. आई एम : 1785(भाग 2)—1983	संशोधन सं. 2 दिसम्बर, 1993,	1993-12-31
15. आई एम : 1854(भाग 1)—1988	संशोधन सं. 1 जून, 1994	1994-06-30
16. आई एम : 1971—1992	संशोधन सं. 1 मई, 1994	1994-05-31
17. आई एम : 2002—1992	संशोधन सं. 1 दिसम्बर, 1993	1993-12-31
18. आई एम : 2026(भाग 3)—1981	संशोधन सं. 1 मार्च, 1994	1994-03-31
19. आई एम : 2202(भाग 1)—1991	संशोधन सं. 2 जून, 1994	1994-06-30
20. आई एम : 2397—1994	संशोधन सं. 6 फरवरी, 1994	1994-02-28
21. आई एम : 3062—1982	संशोधन सं. 2 मई, 1994	1994-05-31
22. आई एम : 3462—1986	संशोधन सं. 1 मई, 1994	1994-05-31
23. आई एम : 3652—1982	संशोधन सं. 2 मई, 1994	1994-05-31

1	2	3	4
24	आई एम : 4123--1982	संशोधन सं. 3 जनवरी, 1994	1994-01-31
25	आई एम : 4250--1980	संशोधन सं. 7 अप्रैल, 1994	1994-04-30
26	आई एम : 4270--1992	संशोधन सं. 1 दिसम्बर, 1993	1993-12-31
27	आई एम : 4432--1988	संशोधन सं. 1 अप्रैल, 1994	1994-04-30
28	आई एम : 6003--1983	संशोधन सं. 2 दिसम्बर, 1993	1993-12-31
29	आई एम : 6266--1983	संशोधन सं. 1 अप्रैल, 1994	1994-04-30
30	आई एम : 6313(भाग 2)--1981	संशोधन सं. 4 नवम्बर, 1993	1993-11-30
31	आई एम : 6313(भाग 3)--1981	संशोधन सं. 3 दिसम्बर, 1993	1993-12-31
32	आई एम : 7098(भाग 1)--1988	संशोधन सं. 1 अप्रैल, 1994	1994-04-30
33	आई एम : 7285--1988	संशोधन सं. 2 मार्च, 1994	1994-03-31
34	आई एम : 8447--1989	संशोधन सं. 1 मई, 1994	1994-05-31
35	आई एम : 8500--1991	संशोधन सं. 1 नवम्बर, 1993	1993-11-30
36	आई एम : 9237--1979	संशोधन सं. 1 मार्च, 1994	1994-03-31
37	आई एम : 10475--1983	संशोधन सं. 1 अप्रैल, 1994	1994-04-30
38	आई एम : 11513--1985	संशोधन सं. 2 दिसम्बर, 1993	1993-12-31
39	आई एम : 13021(भाग 1)--1991	संशोधन सं. 1 अप्रैल, 1994	1994-04-30
40	आई एम : 13021(भाग 1)--1991	संशोधन सं. 2 अप्रैल, 1994	1994-04-30
41	आई एम : 13055--1991	संशोधन सं. 1 जनवरी, 1994	1994-01-31
42	आई एम : 13193--1992	संशोधन सं. 1 दिसम्बर, 1993	1993-12-31
43	आई एम : 13847--1992	संशोधन सं. 1 अप्रैल, 1994	1994-04-30

Ministry of Civil Supplies
Consumer Affairs & Public Distribution
BUREAU OF INDIAN STANDARDS

New Delhi, the 21st July, 1994.

S.O. 2137:—In pursuance of clause (b) of Sub-Rule (1) of Rule 7 of Bureau of Indian Standards Rules, 1937, the Bureau of Indian Standards, hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed has / have been issued.

SCHEDULE

Sl. No.	No. and year of the Indian Standard amended	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	IS : 57—1989	Amendment No. 1 November 1993	1993-11-30
2.	IS : 251—1982	Amendment No. 2 April 1994	1994-04-30
3.	IS : 277—1992	Amendment No. 2 December 1993	1993-12-31
4.	IS : 302-2-201 (1992)	Amendment No. 2 December 1993	1994-05-31
5.	IS : 302-2-3 (1992)	Amendment No. 3 May, 1994	1994-05-31
6.	IS : 418—1978	Amendment No. 7 May, 1994	1994-05-31
7.	IS : 814—1991	Amendment No. 1 January 1994	1994-01-31
8.	IS : 933—1989	Amendment No. 1 January 1994	1994-01-31
9.	IS : 1180 (Part 1)—1989	Amendment No. 1 April 1994	1994-04-30
10.	IS : 1374—1992	Amendment No. 1 June 1994	1994-06-30
11.	IS : 1448 (P : 28)—1985	Amendment No. 1 December 1993	1993-12-31
12.	IS : 1536—1989	Amendment No. 2 November 1993	1993-11-30
13.	IS : 1785 (Part 1)—1983	Amendment No. 2 December 1993	1993-12-31
14.	IS : 1785 (Part 2)—1983	Amendment No. 2 December 1993	1993-12-31
15.	IS : 1554 (Part 1)—1988	Amendment No. 1 June 1994	1994-06-30
16.	IS : 1971—1982	Amendment No. 1 May, 1994	1994-05-31
17.	IS : 2002—1992	Amendment No. 1 December 1993	1993-12-31
18.	IS : 2026 (Part 3)—1981	Amendment No. 1 March, 1994	1994-03-31
19.	IS : 2202 (Part 1)—1991	Amendment No. 2 June 1994	1994-06-30
20.	IS : 2997—1964	Amendment No. 6 February 1994	1994-02-28

1	2	3	4
21. IS : 3062—1982	Amendment No. 2 May, 1994	1994-05-31	
22. IS : 3462—1986	Amendment No. 1 May, 1994	1994-05-31	
23. IS : 3652—1982	Amendment No. 2 May, 1994	1994-05-31	
24. IS : 4123—1982	Amendment No. 3 January, 1994	1994-01-31	
25. IS : 4250—1980	Amendment No. 7 April, 1994	1994-04-30	
26. IS : 4270—1992	Amendment No. 1 December, 1993	1993-12-31	
27. IS : 4432—1988	Amendment No. 1 April, 1994	1994-04-30	
28. IS : 6003—1983	Amendment No. 2 December, 1993	1993-12-31	
29. IS : 6266—1983	Amendment No. 1 April, 1994	1994-04-30	
30. IS : 6313 (Part 2)—1981	Amendment No. 4 November, 1993	1993-11-30	
31. IS : 6313 (Part 3)—1981	Amendment No. 3 December, 1993	1993-12-31	
32. IS : 7098 (Part 1)—1988	Amendment No. 1 April, 1994	1994-04-30	
33. IS : 7285—1988	Amendment No. 2 March, 1994	1994-03-31	
34. IS : 8447—1989	Amendment No. 1 May, 1994	1994-05-3	
35. IS : 8500—1991	Amendment No. 1 November, 1993	1993-11-30	
36. IS : 9237—1979	Amendment No. 1 March, 1994	1994-03-31	
37. IS : 10475—1983	Amendment No. 1 April, 1994	1994-04-30	
38. IS : 11513—1985	Amendment No. 2 December, 1993	1993-12-31	
39. IS : 13021 (Part 1)—1991	Amendment No. 1 April, 1994	1994-04-30	
40. IS : 13021 (Part 2)—1991	Amendment No. 2 April, 1994	1994-04-30	
41. IS : 13055—1991	Amendment No. 1 January, 1994	1994-01-31	
42. IS : 13193—1992	Amendment No. 1 December, 1993	1993-12-31	
43. IS : 13847—1992	Amendment No. 1 April, 1994	1994-04-30	

Copies of these Amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices, : Bombay, Calcutta, Chandigarh and Madras and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna and Thiruvananthapuram.

कोयला मंत्रालय

आदेश

नई दिल्ली, 10 अगस्त, 1994

का०आ० 2138.—कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकाली गई भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का०आ० 338, तारीख 30 दिसम्बर, 1993 के, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 29 जनवरी, 1994 में प्रकाशित होने पर, उक्त अधिसूचना में संलग्न अनुसूची में वर्णित भूमि (जिन्हें इसमें इसके पश्चात् उक्त भूमि कहा गया है) में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई और खोज करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार (जिन्हें इसमें इसके पश्चात् खनन अधिकार कहा गया है) उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी विस्त्वगमों से मुक्त होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो गए थे;

और केन्द्रीय सरकार का यह समाधान हो गया है कि साऊथ ईस्टर्न कोयलाल्ड्स लिमिटेड, बिलासपुर (मध्य प्रदेश) (जिसे इसमें इसके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों, और शर्तों का, जो केन्द्रीय सरकार इस निमित्त अधिरोपित करना ठीक समझे, अनुपालन करने के लिए रजामंद है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि में खनन अधिकार, तारीख 29 जनवरी, 1993 से केन्द्रीय सरकार में इस प्रकार निहित बने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएंगे, अर्थात्:—

(1) सरकारी कम्पनी उक्त अधिनियम के उपबंधों के अधीन अवधारित प्रतिकर, ब्याज, नुकसानी और वैसी ही मदों की बाबत किए गए सभी संदायों की केन्द्रीय सरकार को प्रतिपूर्ति करेगी;

(2) सरकारी कम्पनी द्वारा शर्त (1) के अधीन, केन्द्रीय सरकार को संदेय रकमों का अवधारण करने के प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, उक्त सरकारी कम्पनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या खनन के अधिकार के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील

आदि की बाबत उपगत सभी व्यय भी, सरकारी कम्पनी वहन करेगी।

(3) सरकारी कम्पनी, केन्द्रीय सरकार या उसके पदधारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या खनन प्रक्रियाओं के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किन्हीं कार्यवाहियों के संबंध में आवश्यक हो, क्षतिपूर्ति करेगी;

(4) सरकारी कम्पनी को, केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि किन्हीं अन्य व्यक्ति को अर्पित करने की शक्ति नहीं होगी; और

(5) सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जय कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएं या अधिरोपित की जाएं, पालन करेगी।

[फा०सं० 13015/1/90-एलएमडब्ल्यू]
नरेन्द्र भगत, निदेशक

MINISTRY OF COAL
ORDER

New Delhi, the 10th August, 1994

S.O. 2138.—Whereas on the publication of the notification of the Government of India in the Ministry of Coal number S.O. 338, dated the 30th December, 1993 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 29th January, 1994, issued under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the rights to mine, quarry, bore, dig and search for win, work and carry away minerals (hereinafter referred to as the mining rights), the lands described in the Schedule appended to the said notification (hereinafter referred to as the said lands) vested absolutely in the Central Government free from encumbrances under sub-section (1) of section 10 of the said Act;

And, whereas, the Central Government is satisfied that the South Eastern Coalfields Limited, Bilaspur (Madhya Pradesh) (hereinafter referred to as the Government Company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the mining rights in the said lands so vested shall, with effect from 29th January, 1994, instead of continuing to so vest in the Central Government, vest in the Government Company, subject to the following terms and conditions, namely:—

- (1) the Government Company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
- (2) a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government Company under condition (1), and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government Company and similarly, all expenditure incurred in respect of all legal proceedings like appeals, etc., for or in connection with the mining rights in the said lands, so vesting shall also be borne by the Government Company;
- (3) the Government Company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection

with any proceedings by or against the Central Government or its officials regarding the mining rights in the said lands, so vesting;

(4) the Government Company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government; and

(5) the Government Company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said lands as and when necessary.

[No. 43015/1/90-LSW]
N. BHAGAT, Director

आदेश

नई दिल्ली, 10 अगस्त, 1994

फा०आ० 2139.—कॉयला धाराक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) का (जिसे हमसे हमके पश्चात् उक्त अधिनियम कहा गया है) धारा 9 की उपधारा (1) के अधीन निकासी गई भारत सरकार के तत्कालीन ऊर्जा संवर्धन (कोयला विभाग) की अधिनूचना संख्याक का. आ. 3687 तारीख 13 सितम्बर, 1983 के, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii), तारीख 1 अक्टूबर, 1983 में प्रकाशित होने पर, उक्त अधिनूचना के संलग्न अनुसूची में वर्णित भूमि और ऐसी भूमि में या उन पर के (जिन्हें हमसे हमके पश्चात् उक्त भूमि कहा गया है) सभी अधिकार उक्त अधिनियम की धारा 10 की उपधारा (1) के अधीन, सभी बिलगमों से भुगत होकर, आत्यंतिक रूप से केन्द्रीय सरकार में निहित हो जाएँगे,

और, केन्द्रीय सरकार का यह खनाधान हो गया है कि सेंट्रल कोलफील्ड्स लिमिटेड, राँची (जिसे हमसे हमके पश्चात् सरकारी कम्पनी कहा गया है), ऐसे निबंधनों और शर्तों का, जो केन्द्रीय सरकार उस निम्नलिखित अधिरोपित करना ठीक समझे, अनुपालन करेगी या किए, राजासे है,

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि इस प्रकार निहित उक्त भूमि या ऐसी भूमि में या उन पर के सभी अधिकार, तारीख 1 अक्टूबर, 1983 में केन्द्रीय सरकार में इस प्रकार निहित करने रहने की बजाय, निम्नलिखित निबंधनों और शर्तों के अधीन रहते हुए, सरकारी कम्पनी में निहित हो जाएँगे, अर्थात्:—

(1) सरकारी कम्पनी, उक्त अधिनियम के उपबंधों के अधीन अवधारित धनिकर, व्यय, नुक़सान और बर्गी हो मदों की वास्तु किए गए सभी मदों को केन्द्रीय सरकार को प्रतिपूर्ति करेगी,

(2) सरकारी कम्पनी द्वारा धारा (1) के अधिनियम के अधीन केन्द्रीय सरकार को मदों के अधीन करने के

प्रयोजन के लिए एक अधिकरण का गठन किया जाएगा तथा ऐसे किसी अधिकरण और ऐसे अधिकरण की सहायता करने के लिए नियुक्त व्यक्तियों के संबंध में उपगत सभी व्यय, सरकारी कम्पनी वहन करेगी और इसी प्रकार, इस प्रकार निहित उक्त भूमि में या उन पर के अधिकारों, के लिए या उनके संबंध में सभी विधिक कार्यवाहियों, जैसे अपील आदि की वास्तु उपगत सभी व्यय भी, उक्त सरकारी कम्पनी वहन करेगी:

(3) सरकारी कम्पनी, केन्द्रीय सरकार या उसके पद धारियों की, ऐसे किसी अन्य व्यय के संबंध में, जो इस प्रकार निहित उक्त भूमि में या उन पर के अधिकारों के बारे में, केन्द्रीय सरकार या उसके पदधारियों द्वारा या उनके विरुद्ध किसी कार्यवाहियों के संबंध में आवश्यक हो, अनिवार्य करेगी;

(4) सरकारी कम्पनी को केन्द्रीय सरकार के पूर्व अनुमोदन के बिना, उक्त भूमि किसी अन्य व्यक्ति को अंतरित करने की शक्ति नहीं होगी, और

(5) सरकारी कम्पनी, ऐसे निदेशों और शर्तों का, जो केन्द्रीय सरकार द्वारा, जब कभी आवश्यक हो, उक्त भूमि के विशिष्ट क्षेत्रों के लिए दिए जाएँ या अधिरोपित की जाएँ, पालन करेगी।

[फा०सं० 43015/1/93-एन०एस० डब्ल्यू०]
नरेन्द्र भगत, निदेशक

ORDER

New Delhi, the 10th August, 1994

S.O. 2139.—Whereas on the publication of the notification of the Government of India in the then Ministry of Energy (Department of Coal) number S.O. 3687, dated the 13th September, 1983, published in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 1st October, 1983, issued under sub-section (1) of Section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), the lands and all rights in or over such land described in the Schedule appended to the said notification (hereinafter referred to as the said land) vested absolutely in the Central Government free from all encumbrances under sub-section (1) of section 10 of the said Act:

And, whereas, the Central Government is satisfied that the Central Coalfields Limited, Ranchi (hereinafter referred to as the Government company) is willing to comply with such terms and conditions as the Central Government thinks fit to impose in this behalf;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 11 of the said Act, the Central Government hereby directs that the said lands and all rights in or over such land so vested shall, with effect from the 1st October, 1983, instead of continuing to so vest in the Central Government vest in the Government company, subject to the following terms and conditions, namely:—

1. the Government company shall reimburse the Central Government all payments made in respect of compensation, interest, damages and the like, as determined under the provisions of the said Act;
2. a tribunal shall be constituted for the purpose of determining the amounts payable to the Central Government by the Government company under condition (1) and all expenditure incurred in connection with any such tribunal and persons appointed to assist the tribunal shall be borne by the Government company and, similarly, all expenditure incur-

red in respect of all legal proceedings like appeals, etc. for or in connection with the rights, in or over the said lands, so vesting shall also be borne by the Government company;

3. the Government company shall indemnify the Central Government or its officials against any other expenditure that may be necessary in connection with any proceedings by or against the Central Government or its officials regarding the rights in or over the said lands to vesting;
4. the Government company shall have no power to transfer the said lands to any other person without the previous approval of the Central Government;
5. the Government company shall abide by such directions and conditions as may be given or imposed by the Central Government for particular areas of the said land as and when necessary.

[No. 43015/1/93-LSW]
N. BHAGAT, Director

मानव संसाधन विकास मंत्रालय
(शिक्षा विभाग)

नई दिल्ली, 12 अगस्त, 1994

का. आ. 2140.—सार्वजनिक परिसर (अप्राधिकृत आवासियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, हैदराबाद विश्वविद्यालय, हैदराबाद के रजिस्ट्रार को, सरकार के राजपत्रित अधिकारी के पद के समकक्ष होने के नाते, उक्त अधिनियम के प्रयोजनार्थ सम्पदा अधिकारी के पद पर नियुक्त करती है। ये हैदराबाद विश्वविद्यालय के स्वामित्व में अथवा पट्टे पर लिये गये, अथवा विश्वविद्यालय की ओर से लिए गए परिसर के संबंध में उक्त अधिनियम के अन्तर्गत प्रदत्त की गई शक्तियों का प्रयोग करने और अपने कर्तव्यों का पालन करेंगे।

[नं. एफ. 7-14/94-डेस्क (यु.)]

एस. एम. महलावत, डेस्क अधिकारी

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Education)
New Delhi, the 12th August, 1994

S.O. 2140.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Registrar of the University of Hyderabad, Hyderabad, being of equivalent rank of a Gazetted Officer of Government to be estate officer for the purposes of the said Act who shall exercise the powers conferred and perform the duties imposed on him under the said Act in respect of the premises belonging to, or taken on lease by, or on behalf of, the University of Hyderabad.

[No. F. 7-14/94-Desk (U)]

S. S. MAHLAWAT, Desk Officer

कृषि मंत्रालय

(कृषि अनुसंधान और शिक्षा विभाग)

(भारतीय कृषि अनुसंधान परिषद्)

नई दिल्ली, 10 अगस्त, 1994

का. आ. 2141.—भारतीय कृषि अनुसंधान परिषद् द्वारा बनाये गये स्थायी वित्त समिति के विनियम 2(iv) के अनुसरण से तथा कृषि उत्पन्न उपकर अधिनियम, 1940

की धारा 27(2) में निहित प्रावधानों के अनुसरण में शासी निकाय के निम्नलिखित सदस्यों को इन्हें निकाय द्वारा 30-6-1994 से 29-6-1995 तक एक वर्ष की नयी अवधि के लिए स्थायी वित्त समिति के सदस्य के रूप में निर्वाचित किया गया है :—

1. डा. पी. एस. लाम्बा,
पूर्व-कुलपति,
51, डिफेंस कालोनी,
हिमालय-125001 (हरियाणा)

2. डा. बी. जानप्रकाशम,
कुलपति,
तमिलनाडु पशु चिकित्सा
एवं कृषि विज्ञान विश्वविद्यालय
मद्रास-600007 (तमिलनाडु)

3. श्री भेरुलाल मीना, (23-12-1994)
सदस्य-सोसभा,
गांव-पोस्ट-तिति,
तहसील-गिरवा,
जिला-उदयपुर (राजस्थान)
122. नार्थ एक्व्यू,
नई दिल्ली

4. श्री डी. एम. अनल,
प्लान्टर,
सं. 513, 10वां 8 मैन,
डब्ल्यू. सी. आर. iii स्टेज,
11/ब्लाक अशावेस्वर नगर,
पोस्ट आफिस के पीछे,
बंगलूर-560079 (कर्नाटक)

5. डा. डी. एम. बलेन,
निदेशक,
भारतीय पशु चिकित्सा अनुसंधान संस्थान,
इज्जतनगर-243122 (उ. प्र.)

8. डा. ए. के. बंधोपाध्याय,
निदेशक,
केन्द्रीय कृषि अनुसंधान संस्थान,
अंडमान निकोबार द्वीप समूह,
पी.बी. नं. 181,
पोस्ट ब्लेयर-744001

7. डा. जे. सी. वक्की,
132-डी, किचनू नगर,
मुद्रियाना-141001.

[फा. सं. 6(1)/93-सी.एम. सी.]

सुनील सूद, संयुक्त सचिव

MINISTRY OF AGRICULTURE
(Department of Agricultural Research and Education)
(Indian Council of Agricultural Research)
New Delhi, the 10th August, 1994

S.O. 2141.—In pursuance of Regulation 2(iv) of the Standing Finance Committee Regulations, framed by the Indian Council of Agricultural Research and in pursuance of provision contained in Section 7(2) of the A.P. Cess Act, 1940, the Governing Body has elected the following Members to the Standing Finance Committee for a fresh period of one year with effect from 30-6-1994 to 29-6-1995 :—

1. Dr. P. S. Lamba,
Former Vice-Chancellor,
51, Defence Colony,
Hissar-125001 (Haryana).
2. Dr. V. Gyanaprakasm,
Vice-Chancellor,
Tamil Nadu Veterinary and
Agricultural Science University,
Madras-600007 (Tamil Nadu).
3. Shri Bherulal Meena, (upto 23-12-1994)
Member—Lok Sabha,
Village and P.O. Titi,
Teh. Girwa,
Distt. Udaipur (Rajasthan).
122, North Avenue,
New Delhi.
4. Shri D. S. Ananth,
Planter,
No. 513, 10th 8 Main,
W.C.R. III Stage, IV Block,
Bashaveshwar Nagar, Behind P.O.,
Bangalore-560079 (Karnataka).
5. Dr. D. S. Balain,
Director,
Indian Veterinary Research Institute,
Izatnagar-243122 (U.P.).
6. Dr. A. K. Bandhopadhyay,
Director,
Central Agricultural Research Institute,
Andaman Nicobar Group of Island,
P.B. No. 181,
Port Blair-744001.
7. Dr. J. C. Bakshi,
132-D, Kitchlu Nagar,
Ludhiana-141001.

IF. No. 6(1)/93-CSC/
SUNIL SUD, Jr. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 18 जुलाई, 1994

का. आ. 2142.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (ख) के अनुसरण में डॉ० अकेन कुमार गजेन्द्रराय देसाई को दक्षिण गुजरात विश्वविद्यालय के सीनेट द्वारा भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः अब केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के अनुसरण में भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय, की अधिसूचना संख्यांक का. आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती हैं, अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (ख) के अधीन निर्वाचित” शीर्ष के नीचे क्रम संख्यांक 36 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

“36 डा. अकेन, कुमार गजेन्द्रराय देसाई,
गोवर्धमैट मेडिकल कालेज,
सुरत-395001.

दक्षिण गुजरात विश्वविद्यालय”

[संख्या बी. 11013/5/94-एम.ई. (यू.जी.)]

एस. के. मिश्र, डेस्क अधिकारी

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)
New Delhi, the 18th July, 1994

S.O. 2142.—Whereas in pursuance of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. Akenkumar Gajendrarai Desai has been elected by the Senate of South Gujarat University to be the member of the Medical Council of India ;—

Now, therefore, in pursuance of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following further amendments in the notification of the Government of India in the then Ministry of Health number S.O. 138 dated 9th January, 1960, namely :—

In the said notification, under the heading “Elected under clause (b) of sub-section (1) of section 3” for serial number 36 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

“36. Dr. Akenkumar Gajendrarai Desai, South
Government Medical College, Gujarat
Surat-395001. University.”

[No. V. 11013/5/94-ME(JG)]

S. K. MISHRA, Desk Officer

आदेश

नई दिल्ली, 5 अगस्त, 1994

का. आ. 2143.—वंडरबिल्ट यूनिवर्सिटी स्कूल ऑफ मेडिसिन, संयुक्त राज्य अमरीका, द्वारा प्रदत्त एम. डी. को चिकित्सीय अर्हता भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजन के लिए एक मान्यता प्राप्त चिकित्सीय अर्हता है।

और डा. रिबाकाह ए नयलार जिनके पास उक्त अर्हता है, इस समय पूर्व कार्य के लिए बंगलौर बैपटिस्ट अस्पताल, बंगलौर से बढ है ;

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 14 की उपधारा (1) के परन्तुक के खंड (ग) के अनुसरण में :—

(i) 23 अक्तूबर, 1996 तक की अवधि को ; या

(ii) उस अवधि को जिनके दौरान डा. रिबाकाह ए. नयलार, बंगलौर बैपटिस्ट अस्पताल, बंगलौर से बढ है, जो भी लघुतर हो, उस अवधि के रूप में विनिर्दिष्ट करती है जिस तक उक्त डाक्टर द्वारा चिकित्सा व्यवसाय करना परिसीमित रहेगा।

[संख्या बी. 11016/10/93-एम.ई. (यू.जी.)]

एस. के. मिश्र, डेस्क अधिकारी

ORDER

New Delhi, the 5th August, 1994

S.O. 2143.—Whereas medical qualifications, M.D. granted by Vanderbilt University School of Medicine, U.S.A. is a recognised medical qualification for the purpose of the Indian Medical Council Act, 1956 (102 of 1956).

And, whereas, Dr. Rebakah A. Naylor who possesses the said qualification is at present attached to Bangalore Baptist Hospital, Bangalore for charitable work;

Now, therefore, in pursuance of clause (c) of the said provision to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies:—

- (1) the period ending 23rd October, 1996; or
- (2) the period during which Dr. Rebakah A. Naylor is attached to Bangalore Baptist Hospital, whichever is shorter, as the period to which the medical practice by the said doctor shall be limited.

[No. V. 11016/10/93-ME(UG)]

S. K. MISHRA, Desk Officer

नई दिल्ली, 5 अगस्त, 1994

का. आ. 2144.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, उक्त अधिनियम की प्रथम अनुसूची में निम्नलिखित और संशोधन करती है, अर्थात् :—

“बैरहमपुर विश्वविद्यालय” शीर्ष और उससे संबंधित प्रविष्टियों के पश्चात् निम्नलिखित शीर्ष और प्रविष्टियाँ अंतः स्थापित की जाएंगी, अर्थात् :—

“बरकतुल्ला विश्वविद्यालय”, भोपाल

बैचलर ऑफ मेडिसिन एंड बैचलर ऑफ सर्जरी एम.डी. बी.एस.

डाक्टर आफ मेडिसिन (शरीर क्रिया विज्ञान) एम.डी. (शरीर क्रिया विज्ञान)

डाक्टर आफ मेडिसिन (भेषज गुण विज्ञान) एम.डी. (भेषज गुण विज्ञान)

डाक्टर आफ मेडिसिन (आयुर्विज्ञान) एम.डी. (आयुर्विज्ञान)

मास्टर आफ सर्जरी (शल्य-चिकित्सा) एम.एस. (शल्य चिकित्सा)

डिप्लोमा इन आफथॉलमिक मेडिसिन एंड सर्जरी डी.ओ.एम.एस.

डाक्टर आफ मेडिसिन (त्रिकिरण चिकित्सा विज्ञान) एम.डी. (त्रिकिरण चिकित्सा विज्ञान)

डिप्लोमा इन मेडिकल रेडियोलॉजी एंड इलेक्ट्रोलॉजी डी.एम.आर.ई.

डिप्लोमा इन क्लिनिकल पैथोलॉजी डी.सी.पी.

मास्टर आफ सर्जरी (नेत्र विज्ञान) एम.एस. (नेत्र विज्ञान)

मास्टर आफ सर्जरी (विकलांग विज्ञान) एम.एस. (विकलांग विज्ञान)

डाक्टर आफ मेडिसिन (विकृति विज्ञान) एम.डी. (विकृति विज्ञान)

मास्टर आफ सर्जरी (शरीर रचना विज्ञान) एम.एस. (शरीर रचना विज्ञान)

डाक्टर आफ मेडिसिन सामाजिक और निरोधक आयुर्विज्ञान) एम.डी. (सा. और नि. आयु.)

डाक्टर आफ मेडिसिन (प्रसूति विज्ञान और स्त्रीरोग) एम.डी. (प्रसूति विज्ञान और स्त्रीरोग)

डिप्लोमा इन आर्थोपेडिक्स डिप्लोमा इन आर्थो.

डिप्लोमा इन चाइल्ड हेल्थ डी.सी.एच.

डाक्टर आफ मेडिसिन (निश्चेतन विज्ञान) एम.डी. (निश्चेतन विज्ञान)

डिप्लोमा इन एनास्थेसियालॉजी डी.ए.

डिप्लोमा इन फारेनसिक मेडिसिन डी.एफ.एम.

डाक्टर आफ मेडिसिन (न्याय आयुर्विज्ञान) एम.डी. (न्याय-आयुर्विज्ञान)

डाक्टर आफ मेडिसिन (बाल चिकित्सा विज्ञान) एम.डी. (बाल चिकित्सा विज्ञान)

टिप्पण : ये अर्हताएं सभी मान्यताप्राप्त आयुर्विज्ञान अर्हताएं होंगी जब उन्हें गांधी मेडिकल कालेज, भोपाल में प्रशिक्षण ले रहे छात्रों के संबंध में बरकतुल्ला विश्वविद्यालय द्वारा प्रदान किया जाए।

[सं. बी.-11015/6/94-एम ई (यूजी)]
एस. के. मिश्र, डेस्क अधिकारी

New Delhi, the 5th August, 1994

S.O. 2144.....—In exercise of the powers conferred by sub-section (2) of section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government after consultation with the Medical Council of India hereby makes the following further amendments in the First Schedule to the said Act, namely:—

After the heading 'Barkatullah University' and the entries relating thereto, the following heading and entries shall be inserted, namely:—

'Barkatullah University', Bhopal.

Bachelor of Medicine and Bachelor of Surgery

Doctor of Medicine (Physiology)

Doctor of Medicine (Pharmacology)

Doctor of Medicine (Medicine)

Master of Surgery (Surgery)

Diploma in Ophthalmic Medicine and Surgery

Doctor of Medicine (Radiology)

Diploma in Medical Radiology and Electrodlogy.

Diploma in Clinical Pathology

Master of Surgery (Ophthalmology)

Master of Surgery (Orthopaedics)

Doctor of Medicine (Pathology)

Master of Surgery (Anatomy)

Doctor of Medicine (Social and Preventive Medicine)

Doctor of Medicine (Obstetrics and Gynaecology)

Diploma in Orthopaedics

Diploma in Child Health

Doctor of Medicine (Anaesthesiology)

Diploma in Anaesthesiology

Diploma in Forensic Medicine

Doctor of Medicine (Forensic Medicine)

Doctor of Medicine (Paediatrics)

Note :— These qualifications shall be recognised medical qualifications when granted by the Barkatullah University in respect of students being trained at Gandhi Medical College, Bhopal.

MBBS

M.D. (Physiology)

M.D. (Pharmacology)

M.D. (Medicine)

M.S. (Surgery)

D.O.M.S.

M.D. (Radiology)

D.M.R.E.

D.C.P.

M.S. (Ophthalmology)

M.S. (Orthopaedics)

M.D. (Pathology)

M.S. (Anatomy)

M.D. (SPM)

M.D. (Obstetrics & Gynaecology)

Dip. in Orthopaedics.

D.C.H.

M.D. (Anaesthesiology)

D.A.

D.F.M.

M.D. (Forensic Medicine)

M.D. (Paediatrics)

[No. V-11015/6/94-ME(UG)]

S.K. MISHRA, Desk Officer

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 26 अगस्त, 1994

सं. आ. 2145.—दिल्ली विकास (मुख्य योजना तथा क्षेत्रीय विकास योजना) नियम, 1959 के नियम 5 के साथ पठित दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 10(1) के अंतर्गत राष्ट्रीय राजधानी क्षेत्र दिल्ली की क्षेत्रीय विकास योजना के प्राप्ति को तैयार करने तथा उसके प्रकाशन के लिए सूचना।

एतद्वारा सूचना दी जाती है कि :—

(क) राष्ट्रीय राजधानी क्षेत्र दिल्ली के जॉन ई (नई दिल्ली) के लिए एक क्षेत्रीय विकास योजना प्राप्ति तैयार कर लिया गया है ; और

1905 G1/94—6

(ख) उसकी एक प्रति निरीक्षण के लिए दिल्ली विकास प्राधिकरण के कार्यालय, भूतल, विकास मीनार में आगे पैरा 3 में उल्लिखित तारीख तक सभी कार्य दिवसों के दौरान प्रातः 11.00 बजे से सायं 5.00 बजे तक उपलब्ध होगी।

2 इस प्राप्ति योजना के सम्बन्ध में एतद्वारा आपत्ति एवं सुझाव आमंत्रित किए जाते हैं।

3 आपत्ति एवं सुझाव लिखित रूप में आयुक्त एवं सचिव, दिल्ली विकास प्राधिकरण, विकास भवन, नई दिल्ली-23, को सन् 1994 के दिसम्बर महीने की 2 तारीख से पहले भेजे।

आपत्ति/सुझाव भेजने वाले व्यक्ति को अपना नाम एवं पता भी अवश्य देना चाहिए।

[फाइल सं. एक. 1(5)/91-जेड.पी.]

विश्व मोहन बंसन, आयुक्त एवं सचिव

**DELHI DEVELOPMENT AUTHORITY
PUBLIC NOTICE**

New Delhi, the 26th August, 1994

S.O. 2145.—Notice under section 10(1) of the Delhi Development Act, 1957 (No. 51 of 1957) read with rule 5 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959, of the preparation and publication of the draft of the Zonal Development Plan for the National Capital Territory of Delhi.

Notice is hereby given that :

(a) A draft of a Zonal Development Plan for Zone D (New Delhi) in the National Capital Territory of Delhi has been prepared.

(b) a copy thereof will be available for inspection of the office of the Delhi Development Authority on Ground Floor, Vikas Minar between hours of 11 A.M. to 5 P.M. on all working days till the date mentioned in para 3 hereinafter.

2. Objections and suggestions are hereby invited with respect to this draft plan.

3. The objection or suggestion may be sent in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, New Delhi-23, before the 2nd day of December, 1994.

Any person making the objection or suggestion should also give his name and address.

[No. F1(5)/91-ZP]

V. M. BANSAL, Commissioner-cum-Secretary

अम मन्त्रालय

नई दिल्ली, 3 अगस्त, 1994

का. प्रा. 2146.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार, एयर इण्डिया के प्रबंधन के संबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार और औद्योगिक अधिकरण, अम न्यायालय सं. 2, बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 3-8-1994 को प्राप्त हुआ था।

[संख्या-एल-11012/34/92-आईआर(विविध)/आईआर
(कोल-I)]

मी. गंगाधरन, डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 3rd August, 1994

S.O. 2146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Labour Court No. 2, Bombay as shown in the Annexure in the industrial dispute between the employees in relation to the management of Air India and their workmen, which was received by the Central Government on 3-8-1994.

[No. L-11012/34/92-IR (Misc.)/IR (Coal-I)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/57 of 1993

Employers in relation to the management of Air India

AND

Their Workmen.

APPEARANCES :

For the Employers—Mrs. K. Madhusmita : Advocate.

For the Workmen—(1) Mr. R. S. Masurekar Treasurer ACEU.

(2) Mrs. A. U. Pinge, Workman in person.

INDUSTRY : Civil Aviation

STATE : Maharashtra

Bombay, the 7th July, 1994

AWARD

The Central Government, Ministry of Labour, New Delhi by its Order No. 11012/34/92-IR (Misc.) dated 14-6-92 referred the following industrial dispute to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :

"Whether the action of the management of Air India in terminating the services of Mrs. Anjali U. Pinge Clerk-cum-Typist w.e.f. 25-8-89 is legal and justified ? If not what relief the concerned workman is entitled to ?"

2. The parties were duly served with notices. A statement of claim was filed by Air Corporation Employees' Union at Exh. W-2.

3. The opponent, the Air India did not file their Written Statement. On the contrary both of them filed consent terms at Exh. X-3. It was filed on 29-6-94. As the party concerned was not present the matter was adjourned. Today the concerned parties were present. They accepted the consent terms which was read and recorded.

4. In view of the consent terms the Reference does not survive. In the result I pass the following Award.

AWARD

The Reference is disposed of for non-prosecution.

No order as to costs.

S. B. PANSE, Presiding Officer

Ex. X/3

BEFORE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-II BOMBAY

Ref. No. CGIT-11/57 of 1993

Employers in relation to the Management of Air India

AND

Their Workmen

as represented by ACEU, Bombay.

CONSENT TERMS

May it please the Hon'ble Tribunal.

Ministry of Labour vide its Order bearing No. 11012/34/92-IR (Misc.) dated June 14, 1992 have referred the dispute mentioned in the Schedule referred for adjudication to the Presiding Officer, CGIT-II, Bombay.

SCHEDULE

Whether the action of the management of Air India in terminating the services of Mrs. Anjali U. Pinge, Clerk-cum-Typist w.e.f. 25-8-1989 is legal and justified ? If not what relief the concerned workman is entitled to ?"

During the pendency of the proceedings before the Hon'ble Tribunal Bombay, the Secretary-Air Corporation Employees' Union (ACEU), Bombay representing on behalf of the concerned workman has taken up the matter again for bilateral discussions with the Management of Air India, and after series of discussions held between the parties the following terms and settlements have been arrived at :—

(i) Mrs. A. U. Pinge will be reinstated in service as Clerk in Stores and Purchases Department at the starting of pay scale of Typist/Clerk.

(ii) Mrs. Pinge will be on probation for a period of six months from the date of reporting for duty. Mrs. Pinge will be confirmed in service on the expiry of the probationary period of six months subject to her work and conduct being satisfactory during the probationary period.

(iii) Mrs. Pinge will not be entitled for the benefit of past service either by way of increment or PF or any other monetary claim whatsoever and the same will not be reckoned for the purpose of passage or any other benefits.

(iv) Mrs. Pinge also will not make any claim and accepts the above terms and conditions as full and final settlement.

Both the parties pray to this Hon'ble Tribunal the above consent terms may be taken on record and pass an award accordingly.

Dated the 10th day of February, 1994 at Bombay.

For Management :

(Mr. S. N. Murthy)

Industrial Relations Manager

Mr. C. G. Jadhav

Asst. Personnel Officer.

For ACEU :

(1) Mr. Hemant Kumar
Secretary-ACEU

(2) Mr. R. S. Masurekar
Treasurer-ACEU

(3) Mrs. A. U. Pinge
Concerned Workmen.

नई दिल्ली, 10 अगस्त, 1994

का. आ. 2147.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आयल एण्ड नेचुरल गैस कमिशन, कचिर प्रोजेक्ट, सिलचार के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, गोहाटी आसाम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-8-94 को प्राप्त हुआ था।

[संख्या एल-30011/11/90-आई आर (विविध)/आई आर (कोल-I)]

सो संग्राहक, डेस्क अधिकारी

New Delhi, the 10th August, 1994

S.O. 2147.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Guwahati Assam as shown in the Annexure in the industrial dispute between the employees in relation to the management of Oil and Natural Gas Commission, Cachar Project, Silchar and their workmen, which was received by the Central Government on 8-8-1994.

[No. L-30011/11/90-IR (Misc.)/IR (Coal-I)]
C. GANGADHARAN, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI, ASSAM

Reference No. 6(C) of 1990

PRESENT :

Shri J. C. Kalita, Presiding Officer.

Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute

BETWEEN

The management of O.N.G.C. Cachar Project, Silchar.

AND

Their workmen represented by General Secretary, ONGC Contractual workers Union, Silchar.

APPEARANCES :

Shri A. R. Barhakar, Advocate, and Shri D. Talukdar, Advocate—For the Management.

Shri N. Chaudhury, Advocate—For the Workmen.

AWARD

The Government of India, Ministry of Labour, New Delhi by a Notification No. L-30011/11/90-IR (Misc.) dated 20-6-90 referred an industrial dispute between the General Manager, O.N.G.C., Cachar Project, Haukandi Road, Silchar-5 and the General Secretary, ONGC Contractual workers Union, C/o Sri D. C. Paul, Krimganj Road, Silchar-5 for adjudication by this Tribunal with copies to the respective parties. On receipt of the said reference a case was registered and notices were issued to the parties for their appearances before this Tribunal and to file their written statements.

Both the parties appeared before this Tribunal and filed their written statements together with number of documents.

The issue to be decided "Whether the demand of the ONGC Contractual Workers' Union, Silchar on the management of ONGC, Cachar Project, Silchar for regularisation of the services of the contractual workers is justified. If so, what relief are the workmen concerned entitled to?"

In the written statement and additional written statement filed by the President of ONGC, Contractual Workers' Union, Cachar Project on behalf of the workers employer in various categories such as helper, knalasi, singer, cleaners, attendance, clerk, typist, asst. operation, sieno drahtman, driver, asst. technician, store keeper, rigman, junior engineer, Technical Asstt., Operator, Security Guard, Cook, Sweeper etc. contended that since the establishment of the Project at Silchar in 1976 these workmen have been serving at different rates of wages denying all the facilities enjoyed by the regular employees their demand for regularisation of their services at par with regular employees were turned down by the Management. Even the conciliation could not materialise their demand.

The Management also filed their written statement and additional written statement to counter the demand of the union. Stating that the reference is not maintainable as there exists no relationship of employer and workmen. They were never employed by the ONGC. They worked under a contractor in whose name different work orders were issued from time to time by the management. Payments have been made through the contractor on submission of bill by the contractor. The management has never paid directly to these workmen. It has been further contended that as these workers are not casual workmen as defined in the Act itself, question of regularisation of their services does not arise at all. As such they are not entitled to the reliefs claimed.

Both sides examined one witness each in support of their respective cases and pressed number of documents into service.

The learned counsel for the management submitted that the reference is not maintainable, no appointment letters are produced to claim that they are ONGC workers, the demand is vague as no list of workers are filed, the conduct of the Secretary of the union is not good as he failed to assert where from he got the photocopy of the official documents, employment is made after the vacancies are notified to Employment Exchange and by preparing merit list after holding written test and viva-voce the workers are working under the contractors to whom works are allotted after calling of tenders. In fact, they are contractual workers working directly under the control of the respective contractor under the ONGC. As they are not casual workers they cannot get any relief under the Act.

On the contrary, the learned counsel for the workers submitted that the contractual labourers are the casual workers they are casual workers working directly under the ONGC, they are paid by the ONGC, they are transferred as regular employees, disciplinary action is also taken against them by the ONGC autho-

rity, even their wages are paid on "Bandh Call" given by certain organisation, and during the period of flood and other calamities, the work order issued to the contractors was not produced to show that the workers were engaged by the contractor to finish the works allotted to them, no contractor is examined to prove their assertion, rather the ONGC itself supervised and contrl their works payments are made by the ONGC through payroll; not controverted by the ONGC that the workers did not work for 300 days. As such the workmen are casual workers though they are loosely designated as contractual workers.

Industrial Dispute means any dispute or difference between employers and employee or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment, or the terms of employment or with the conditions of labour of any person. Herein this case good number of workmen working under the aegis of ONGC raised the dispute as referred by the Government.

A person to be "workmen" within the meaning of the definition must be one employed in an industry for hire or reward. His term of employment may be express or implied. As to nature of work required to be done by him it may be either manual, technical, clerical or supervisory. Herein this case the workmen named are all manual, technical and clerical. According to the Management their services are hired by intermediary agency, but their services are utilised for the good of the Management and not for the good of the intermediary. It means that the real employer is the ONGC and not the intermediate contractors.

To be a "workmen" the existence of employer and employee or master and servant relationship is essential, and to determine this relationship existence of right of control and supervision, method of payment, length of time for which the person is employed is to be looked into. The witness for the management deposed that the workmen are employed by the contractor to whom particulars work is allotted but the witness for the workmen deposed that their works are controlled and supervised by the ONGC. By Exhibit 1 workmen Barun Goswami was directed to work for chemistry mud job, by Exhibit 2 as many as 10 workmen were directed to work in M.M. Department, by Exhibit 3. Miss Madhumita Chaudhury was directed to work in Geology Department by Exhibit 4 Sri Swapan Kumar Chakrabarty was directed to work in Store Department.

By Exhibit 7 the workmen were directed to give their attendance to the Head of the Department, and by Exhibit 8 each workman was identified by a designation. By Exhibit 10 the management called for an explanation from Sri D. Chakraborty and R. Deb for their failure to report is evening shift duty on 29-7-1988. All these go to show that the Management has full control and supervision over the workmen engaged to work in different fields.

Exhibit 6 shows that the Management paid the wages to these workmen who worked during the Cachar Bandh. Exhibit 11 shows that the management paid the wages to those workmen who could not attend their duties due to flood. I could not understand what made the management to pay wages to the workmen on a "Bundh day" and at the time of flood if they were actually engaged by the contractor to do the contractor's allotted work. No satisfactory explanation was put forward from the side of the management. The assertion of the learned counsel for the workmen that the workmen were casual workers working directly under the control and supervision of the Management and not contractual labours working under the contractor has a sound logic.

The learned counsel for the workmen further submitted how a contractor can be paid wages equal to that of a workman if the work is actually allotted to him as a contractor. He cited the name of the Manik Lal Sinha who is a contractor. In the light of the above discussions it can be rightly held that the relationship of master and servant or employer and employees existed in between the ONGC and the workmen and not in between the workmen and the contractors.

The next point argued on behalf of the workmen is that the acquittance roll was prepared by the management to make payment to the workmen. Exhibits 14 and 15 are the acquittance rolls. My attention was drawn to Delegated

Powers formulated by the ONGC. Code No. A of the said delegated powers enumerated as many as 20 subjects of which A-19 is provided for casual labour. The witness for the workmen deposed that their wages are paid under Head A-19 of the Delegated Powers. This is meant for the casual labour. The witness for the Management could not deny it when his attention was drawn to this fact. This makes it absolutely clear that these workmen were treated as casual labour. The witness for the Management could not deny it to include in its ambit the casual workers. Now it can be well said that the workmen were casual workers working under the control and supervision of ONGC and not of the contractors. To prove their contention management failed to produce any "work order" issued to any contractor to whom contract works were allotted by accepting their tenders. No step was taken to examine any of such contractor to support their case. The submission of learned counsel for the Management that the payments were made by the ONGC directly on humanitarian ground, could not be accepted.

The learned counsel for the management relied on the decision passed by the Hon'ble High Court of Andhra Pradesh in five writ petitions filed by the Societies and its employees in K. G. Project. In these writ petitions as many as 322 contractual Labourers working under different societies were involved in the works of ONGC. There the ONGC has been able to prove that those workmen were engaged directly by different contractors. Such as M/s. Prakesh Man Power Enterprises, M/s. Globe Detection Agency. But here in the instant case ONGC has failed to convince by producing any paper or document of any contractor or Agency or Enterprises under whom the different sets of workmen worked. I find that the subject matter of the cited case is quite different to that of the subject matter of the case in hand. So I could not accept the said decision.

Exhibits 6 to 15 are the photo copies of the official documents filed by the workmen. This Tribunal was moved by a written prayer for production of the originals but the Management showed their inability to produce these on the plea of non-availability. The witness for the Management could not deny that these documents do not belong to ONGC, he simply said that he cannot say whether Exhibits 6 to 15 are the photo copies of respective originals. I could not accept the submission of the learned counsel for the management that the conduct of the President of the Union is not good as he had failed to assert where from he got the photo copies of the official documents. It can be well presumed that the originals are there in the office of the ONGC, as such the Tribunal can rightly taken judicial notice of these photo copies.

The learned counsel for the Management submitted that no appointment letter is produced by any workmen to show his employment by ONGC. Exhibit 13 shows that one Radha Madhab Sharma has successfully completed his training of Turner from 23-10-81 to 23-7-82, suggests that he got the training because of his employment by ONGC. The definition of workmen does not provide for a formal appointment letter.

It has been submitted on behalf of the workman that they are in employment since 1987 and they rendered their continuous service for more than 300 days in a year. Law says that any workmen who works for 240 days continuously in 12 months is entitled to regularisation. Since 1987 such a long period of continuance in service presumption for regularisation of service of such categories of workmen exists. In my opinion management failed to adduce any convincing evidence that the workers were engaged under a particular scheme, it is not practicable to give them full employment as the work is time-bound and there is no need of the workman beyond the completion of the work undertaken. In the absence of any such cogent evidence their regularisation in phase wise cannot be turned down.

It has been submitted by the learned counsel for the workmen that the management uses to supply necessary tools is time-bound and there is no need of the workman beyond and materials to concerned workman for execution of their assigned duties. This also made me to held that the workers are the workmen or ONGC having control over their activities. Though the Management tried to impress that the workers are the contractual labours working under the contractor, evidence adduced fully established that they are casual workers and not contractual workers. So it is held that the concerned workmen are all employees of the ONGC in Cachar Project. As the workmen are in continuous service since 1987, having requisite qualification and experiences they

are entitled to regularisation in their respective posts as per clause (2) of the certified standing order of the contingent employee of ONGC

In the light of the aforesaid discussion it is held that there was a dispute in between the Management of ONGC and its workmen and the Government has rightly referred it for adjudication by this Tribunal. So I find the reference maintainable. The management of ONGC in Cachar Project, Silchar is not justified in not regularising the services of the concerned workmen. It is enough to say that they are all members of the union and their interests are well represented by Sri Shib Das Gupta as President of the Union. It is, therefore, directed that the services of all the concerned workers are to be regularised by the O.N.G.C. phasewise if not possible at a time with pay and other allowance paid to regular employees.

I give his Award on this 11th day of July, 1994 at Guwahati under my hand and seal.

J. C. KALITA, Presiding Officer

नई दिल्ली, 12 अगस्त, 1994

का. आ. 2148 :—औद्योगिक विवाद अधिनियम, 1947, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आयल नैचुरल गैस कमिशन, देहरादून के प्रवन्धत्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[संख्या एल. -30011/17/90-आई आर (विधि) आई आर (कोल-I)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 12th August, 1994

S.O. 2148.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. I), Bombay as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Oil and Natural Gas Commission, Dehradun and their workmen, which was received by the Central Government on 10-8-1994.

[No. L-30011/17/90-IR(Misc.)IR(C.I)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-38 of 1991

PARTIES:

Employers in relation to the management of ONGC.
Bombay.

AND

Their Workmen.

APPEARANCES:

For the Management: Shri Ramrakhaini, Advocate

For the Workmen: No appearance.

INDUSTRY: Oil & Natural Gas. STATE: Maharashtra

Bombay, dated the 25th day of July, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi by letter dated 4/10-4-1991, made following reference under section 10(1)(d) read with sub-section 2A of the Industrial Disputes Act, to this Tribunal for adjudication:

"Whether the management of ONGC, Dehradun were justified denying equal selection opportunity to departmental candidates—while they selected 54 candidates to the post of Junior Accounts? If not, to what relief are the workmen entitled?"

2. Statement of claim has been filed on behalf of the union by the General Secretary. He states therein that the union raised the dispute pertaining to the unjustified denial of equal selection opportunity to departmental candidates. The contention is that the management has a policy of promotion/recruitment in respect of their employees and circular dated 6-11-1987 explains that policy. It is mentioned therein that, in case of vacancies to be filled in by direct recruitments, departmental candidates fulfilling requisite qualification will be given first preference. If they are not available the unfilled vacancies will be notified for recruitment from outside. Thereafter in para 5, it is mentioned that instructions regarding filling up of vacancies through departmental candidates was to be strictly complied with.

3. 58 vacancies arose for the cadre of Junior Accountants in the year 1990. The said posts are covered by order dated 6-11-1987. The Company was expected to give maximum preference to the employees inside. It was also required to advertise the vacancies in newspapers for the knowledge of the employees of the Company, and has sufficient notice to the eligible candidates to enable them to apply was expected to be given. This was not done and outside candidates were selected. Advertised the vacancies only in one daily which is published from Delhi. The management contended that they treated the departmental candidates and outsiders on part in giving marks for the purposes of promotion. It is further contended, states the union, that the circular dated 6-11-1987 is directory and not mandatory and there was no bar for recruitment from outside.

4. This action on the part of the management is, according to the union, unjustified and therefore, the union approached the Regional Labour Commissioner, the conciliation failed and therefore, the reference made.

5. The management has not disputed the issue of circular dated 6-11-1987, but it is contended that the management had before it the rules framed by the Government of India, regarding recruitment and those have been observed. They are statutory provisions. It is contended that the departmental candidates were considered and as many as 491 candidates applied out of which 432 candidates were called for interview, 403 candidates appeared for interview and 26 were selected who were empanelled. It is further submitted that pursuant to applications invited, 2285 were received and 155 called for interview and 116 appeared and 32 were selected from general category and one for reserved category. It is therefore, denied that equal selection opportunity was not given to the departmental candidates. The management has also contended that the reference was not called for.

6. The draft issues submitted on behalf of the management have been approved by me after hearing both the sides. The management had stated departmental candidates as well as outsiders were called for the post of Junior Accountants which were posts to be filled by direct recruitment. Management has, as stated earlier, given the details of the departmental candidates who applied for, who were called for interview and who appeared for interview and who came to be ultimately selected and empanelled. The management has also stated that in pursuance of advertisement in newspaper, large number of candidates applied and 155 were called for interview and from out of them 116 appeared and 32 came to be selected in the general category and one in the reserved category. Then it is seen that the management has given opportunity to the departmental candidates for getting the post of Junior Accountants. It has been also stated in para 22 of the written statement, that the minimum qualification for departmental candidates was B. Com. while calling for interview while in case of outsiders it was M. Com with First Class or M. Com with 55 per cent marks and

above with at least one year's experience or M.B.A. or ICWA (Inter)/C.A. (Inter). Thus, preference was given by reducing the minimum requirement so far as educational qualifications was concerned to departmental candidates. They were separately interviewed and on finding 26 departmental candidates suitable they were empanelled and orders of appointments were first issued in their case and they joined duties. After accepting this panel of 26 outside candidates was made. This is in accordance with, contends the management, has the rules as well as the circular dated 6-11-1987. I do not see any violation of that circular and in the circumstances, it is rather difficult to up-hold the contentions raised by the Union.

7. It has to be remembered that the grievance as reflected in the reference for adjudication was that equal selection opportunity to the departmental candidates was not given. That does not appear to be so and therefore, the reference will have to be answered accordingly.

8. I may mention that though at an earlier stage Shri Anilkumar appeared for the workmen on 22-12-1993, there has been no appearance on behalf of the union since then. In the circumstances, all that I could do was to hear Shri Ramakhaini, on behalf of the management. He has been fair enough to place both the sides before me for my consideration. I would therefore, award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 12 अगस्त, 1994

का. आ. 2149 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. सेंट्रल कोलफील्ड्स लिमि. का केदला अंडरग्राउण्ड प्रोजेक्ट के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[संख्या-एल-20012/336/89-आई आर (कोल-I)]

सी. गंगाधरन, डैस्क अधिकारी

New Delhi, the 12th August, 1994

S.O. 2149.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. D), Dhanbad as shown in the Annexure to the Industrial Dispute between the employers in relation to the management of Kedla Underground Project of CCL and their workmen, which was received by the Central Government on 10-8-94.

[No. L-20012/336/89-IR (Coal-I)]
C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

REFERENCE NO. 78 OF 1990

Parties :

Employers in relation to the management of Kedla Underground Project of M/s. C.C. Ltd.

AND

Their Workmen

Present :

Shri P. K. Sinha, Presiding Officer.

Appearances :

For the Employers : Shri R. S. Murthy, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

STATE : Bihar

INDUSTRY : Coal

Dated, the 22nd July, 1994

AWARD

By Order No. L-20012/336/89-I. R. (Coal-I), dated, the 18th April, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kedla underground Project of C.C.L.P.O. Kedla, Distt. Hazaribagh by not re-instating the services of Shri Prabhu Manjhi w.e.f. 25-8-88 and not making payment of wages and other allied benefits provided by the management from time to time is justified ? If not, to what relief the workman concerned is entitled ?"

2. Both parties have submitted their written statements and rejoinders. The management agrees that the concerned workman, Prabhu Manjhi, was employed as time-rated worker in Kedla Underground Project. Its allegation is that the workman had absented himself with effect from 10-3-86 without permission, information and without any satisfactory cause which act constituted misconduct under clause 17(i)(n). According to the written statement of the management Chargesheet dated 21-8-87 was issued and the concerned workman submitted his explanation which was not found to be satisfactory, hence the management by order dated 7-3-88 ordered for domestic enquiry and appointed Enquiry Officer. In the domestic enquiry the workman participated and the same was conducted fairly. The Enquiry Officer submitted his report dated 24-5-88 in which he held that the workman had absented from duty with effect from 10-3-86 without any intimation, but his absence was on reasonable ground since he was mentally ill during the period.

3. Further case of the management is that the enquiry report was considered by different officers and, ultimately, by the General Manager who held that the workman was guilty of misconduct hence should be dismissed. This way the workman was dismissed from service by an order issued on 25-8-88.

4. The defence of the sponsoring Union, as discernible from its written statement, was that the concerned workman though had absented from duty with effect from 10-3-86, the absence was for sufficient cause as the workman concerned was suffering from mental disease during the period. It has been claimed that the illness of the workman was communicated to the management and the management was aware of the same. Still the management, it has been averred, issued chargesheet. Though the concerned workman had reported for duty on 25-12-87 along with medical certificate, but was not allowed to resume his duty. According to the sponsoring Union an invalid enquiry was conducted but even then the charge was not substantiated. Despite the finding of the Enquiry Officer in favour of the workman, the management dismissed the workman. The prayer has been made to issue a direction to the management to reinstate the workman with full back wages.

5. The chargesheet (Ext. M-1) charges the workman of absence from duty continuously from 10-3-86 without permission and without satisfactory cause describing the same to be a misconduct under clause 17(i)(n) of the Model Standing Orders. Clause 17(i)(n) runs as follows, as given in the chargesheet itself :—

"Continuous absence without permission and without satisfactory cause for more than ten days."

Ext. M-2 is the explanation of the workman in which he had submitted that because of his mental illness he could not attend duty since 10-3-86 and that he was under treatment of Dr. U. N. Choudhary at Ranchi. He further sub-

mitted that he had now completely recovered and was capable of doing his duty. He also attached medical certificate issued by the concerned doctor.

6. It will appear that some official of the management had submitted a note, on this explanation, to the Project Officer in which he had mentioned the medical certificate and illness of the workman and had also pointed out that the workman was a tribal and a poor man who alone was the earning member in his family. It appears that the Project Officer also endorsed the view and recommended to allow the workman to resume duty. It appears that the then Personnel Manager wanted to know as to what action was taken against the workman for his absence. The third page is missing, but it appears that subsequently on such endorsement the chargesheet was issued.

7. In so far as the domestic enquiry is concerned the Enquiry Officer had recorded the statement of the management representative appointed to conduct the prosecution. Before that it will appear that the workman had admitted the allegation of absence made in the chargesheet. The management representative had submitted that the workman Prabhu Manjhi was absenting from duty with effect from 10-3-86 for which he was issued chargesheet on 21-8-87. The workman replied through his explanation dated 25-12-87 in which he also had sought permission to join the duty which was not accorded. This management representative also admitted that the workman had attached certificate of Dr. U. N. Choudhary showing that from 15-3-86 to 23-12-87 the workman was suffering from mental disease. The co-workman of the proceedee was allowed to cross-examine and he put only one question that whether the management had issued any letter to the concerned workman before issuance of the chargesheet, to which the management representative replied that no such letter was given because information had reached from different sources that the workman had gone mad.

8. This is all the evidence produced on behalf of the management. Thereafter the workman gave his statement stating therein that when after doing his duty on 9-3-86 he went to his home, he felt nervous and was not aware as to what happened thereafter. He gained some of his senses in December, 1987. He was taken to Kanke and was shown to the doctor who was treating him. The doctor said that he had recovered. The workman further stated that he learnt from other persons that he had gone mad. Then he presented himself for duty on 25-12-87 along with medical certificate but was never allowed to join.

9. During cross-examination the workman asserted that he was capable to work in underground. When he was asked about the receipt of medicines the workman submitted that the concerned papers were kept (in house) but they had been destroyed by the rats and were not presentable. When asked as to why he did not get himself treated by the doctor of the colliery, the workman submitted that he was not aware as to where he was taken for treatment, but learnt much after that he was treated by a doctor of mental hospital (Pagal Khana) who was living in Kanke.

10. There is a medical certificate dated 23-12-87 issued by one Dr. U. N. Choudhary, a Medical Officer at R.M.A. (Ranchi Manasik Arogyasala) at Kanke. This certificate shows that Prabhu Manjhi was under his treatment since 15-3-86 upto 23-12-87, suffering from toxic psychosis which was a mental illness. The doctor also certified that the workman was fit to do his usual work. It appears that some persons at the concerned colliery had endorsed this certificate to the Medical Officer of K.U.G.P. (Kedla Underground Project) for examination (of the workman). It appears from another endorsement given below the first endorsement that the workman was found fit for duty.

11. From the enquiry report of the Enquiry Officer it will appear that he found it proved that the workman had absented from duty with effect from 10-3-86 without intimation to the management but for the reason that he was mentally ill. The Enquiry Officer also noted that the management representative had admitted during cross-examination that it was in the knowledge of the management that the concerned workman was mad during that period. The Enquiry Officer held that the absence was on reasonable ground. This re-

port was endorsed to the colliery Manager for recommending action. It will appear that the colliery Manager endorsed the finding of the Enquiry Officer recommending that the workman be allowed to resume his duty subject to the medical examination by the Medical Board. It will also appear that the Project Officer considered the report and the recommendation and agreed with the Enquiry Officer and the colliery Manager. The matter then went to the Personnel Manager who did not agree with the aforesaid view for the reason that it was proved that the workman had absented himself beyond ten days and that he had failed to produce documents connected with the treatment. He also opened that the certificate of the doctor did not show as to whether the workman was treated at the medical hospital or in the private clinic of that doctor. He also noted that the employees were entitled to free treatment during their service period which fact was known to them and most of their family members, but the workman did not approach the authorities in this connection.

12. Having given the aforesaid opinion, the Personnel Manager then embarked upon a bizarre course by recommending that genuineness of the certificate should be verified by a team of officers who should go to the Medical Hospital at Ranchi. He also suggested the names of such officers, including a doctor. It will appear that the aforesaid team later submitted a report stating therein that they had met with the Office Superintendent at Ranchi Manasik Arogyasala, Kanke who informed that Prabhu Manjhi was not admitted in that hospital. They also enquired from the Superintendent of Ranchi Manasik Arogyasala about genuineness of the certificate who informed that Dr. Choudhary was not a Psychiatrist and that it appeared that the aforesaid certificate was granted by Dr. Choudhary on the basis of private consultation. The report also mentioned that Dr. U. N. Choudhary, on the date of enquiry, was out of station. The Personnel Manager (P) ordered putting up the matter before the General Manager who ordered that the matter be re-examined in the light of enquiry report. Then the Personnel Manager gave his opinion that since it was clear from the report of the Committee that the workman did not receive treatment at the Mental Hospital, hence medical certificate issued by Dr. U. N. Choudhary in his personal capacity was mis-leading and could not be relied upon. This officer thereafter disagreed with the finding of the Enquiry Officer and recommended punishment of termination of service to which the General Manager agreed.

13. The finding of the Personnel Manager and the General Manager I find to be erroneous. The first reason is that they have depended upon the report of a separate enquiry conducted by two officials, namely, Sri T. K. Sarkar, Dy. Personnel Manager and Dr. Priya Rajan, Medical Officer, which was absolutely independent of the domestic enquiry. There is nothing on the record to show that the concerned workman was given information of the subsequent enquiry so that he could participate in that also. This subsequent enquiry was conducted ex-parte, and the result at the report of this enquiry was not brought to the notice of the concerned workman before taking a decision, based on the report, for holding the workman guilty and then punishing him with the maximum punishment. The procedure adopted by these two senior officers was absolutely arbitrary and against the principles of natural justice and fair play. They got an enquiry conducted behind the back of the concerned workman, and used that report in finding the workman to be guilty, without caring to take the concerned workman in confidence by placing before him the new facts and asking for his explanation for the same. Moreover since, according to the statement of the management representative, the workman had produced his certificate on 25-12-87 itself and since the first sitting of the domestic enquiry was held on 8-4-88, the management had ample time at its disposal to get the certificate verified by its own agency and place the result before the Enquiry Officer in course of the domestic enquiry. Therefore it was improper for those two senior officers to place any reliance upon the result of the subsequent enquiry.

14. Even on the report of the subsequent enquiry the Personnel Manager and the General Manager should not have come to the conclusion at which they did arrive. The reason is that the workman even in his explanation had not claimed that he was treated at the Ranchi Manasik Arogyasala but he clearly stated that he had come to know that

he was treated by Dr. U. N. Choudhary who lived at Kanke. Simply because the certificate was not issued from the Medical Hospital did not mean that a certificate issued by a doctor in his private capacity should be treated as misleading and unreliable without any factor to show that such certificate was misleading or unreliable. The subsequent report of the two member committee had clearly mentioned that they had not even met Dr. U. N. Choudhary, who alone could have revealed the fact about his certificate and about the treatment of Prabhu Manjhi.

15. About the reply of the management representative in course of his cross-examination by the co-worker of the proceedee that no letter before chargesheet was issued because information had reached from different sources that the workman had gone bad, the Personnel Manager in his note had asserted that issuance of any letter before enquiry was not essentially required hence the conclusion drawn by the Enquiry Officer on such reply was not totally acceptable. Here the Personnel Manager appears to be deliberately confusing the issues. The point was not that whether or not issuance of a letter before charge-sheet was necessary, but that whether or not the management had information of the mental illness of the workman in course of his absence. The answer of the management representative showed that the management was in receipt of such information. It is in context with this point that the Enquiry Officer had discussed that part of evidence of the management representative.

16. I, therefore, find the finding of the Enquiry Officer, so far the point of satisfactory cause for absence is concerned, to be much more cogent and reasonable than the findings of the Personnel Manager and the General Manager.

17. It has been pointed out in course of argument that it was unusual to go for private consultation bearing expenses when the workman or his family could have first approached the doctor of the colliery. But it is clear from the evidence of the workman that with effect from 9-3-87, after working hours, he had lost his senses and could regain it only in December, 1987, hence he was not aware of his treatment. Naturally the workman cannot be held responsible for the actions of his well-wishers and relatives relating to this treatment if he was mentally unstable during that period. Why he was not taken to the Medical Officer of the colliery or to the mental hospital could only be explained by those well-wishers and relatives who took such decision.

18. Even the report of the subsequent enquiry does not say that the medical certificate was not given by Dr. U. N. Choudhary. This certificate is on the pad of the doctor showing him to be the Medical Officer, R.M.A.J. Kanke. There is a Stamp below his signature announcing the same. It is not always possible for a poor workman, who had been out of his wages for a long period, to arrange to call the doctor from another station to depose in the domestic enquiry. Obviously the workman is illiterate because in his explanation and in the papers of the domestic enquiry he had given his I.T.I. He might not even have been aware that after submitting medical certificate he should have also arranged for the evidence of the doctor. But as already said the management had enough opportunity to get this certificate verified by consulting Dr. U. N. Choudhary before the domestic enquiry had even commenced. Not having done so, I do not think that the management was entitled to doubt the genuineness of such a certificate.

19. For these reasons I find that though the workman had remained absent with effect from 10-3-86 upto atleast 24-12-87, that was mainly because of mental illness with which he was suffering.

20. Having come to this conclusion, I am also constrained to find the workman to be wanting on one score. From his evidence it is clear that though he was treated by Dr. U. N. Choudhary, but in December, 1987 when he started regaining his senses, he was at his house. This is so because he has stated that when he started regaining his senses people took him to Kanke and he was shown to the doctor who was treating him who said that he was fit for duty. Therefore, it is clear from his evidence that he had gained his senses gradually and it was not that he suddenly came to his full senses. When he was completely cured by 23-12-87 on which date the doctor had issued the certificate, it can

be well presumed that for quite sometime before 23-12-87, may be a few days before, he had gained sense to enable him to understand his surrounding. It may be true that when he was unable to understand his surrounding his relatives might not have informed the management about his illness as they might not have known that not having done so was a procedural mistake. I have already pointed out the endorsement of one officer of the management upon the explanation of the workman that the workman was a poor Adivasi and the sole bread earner in his family. This shows that he perhaps was the only adult male member in his family. Therefore not giving any information till he gained his sense can be understood. But when it appears that he had, in all probability gained his senses sufficient to understand his surrounding atleast a few days before he was declared completely cured by the doctor, he, as a workman, who was supposed to know the fundamental Rules of the Company should have immediately sent the information of his absence to the management. Therefore to this extent the workman appears to have erred, but even for this mistake it cannot be held that the misconduct to his extent was justified in ordering his removal from service. A minor punishment would have suffice. From his statement and from his answers to the cross-examination during the domestic enquiry it appears that the workman had recovered from his illness, hence was capable of resuming the duty.

21. In view of the points discussed above I am of the opinion that the management was not justified in punishing the workman with dismissal from service. Keeping in view the extent of misconduct which it appears to have been proved, the workman was definitely entitled to a lesser punishment.

22. The next question is as to what should be the just punishment under the circumstances of the case.

23. From the aforesaid discussion the necessary conclusion is that the action of the management of Kedla Underground Project in not reinstating the services of Prabhu Manjhi with effect from 25-5-1988 was not justified.

24. Since I have found that the order of dismissal was unjustified, and I also have found that the misconduct that appears to have been proved was not a grave one keeping in view the circumstances of the case. I do not think that the workman is entitled only to an order of reinstatement but without any back wages. But since this intervening period is long and there is nothing on the record to show that the workman did not do any work for his livelihood during this period, I think that non-payment of 50 per cent of his back wages would be sufficient and just punishment to the workman. In other words, in my opinion the workman should be reinstated with 50 per cent of his back wages payable upto the date he is reinstated in terms of this award. However, according to own admission of the workman he was incapable of working from 10-3-86 upto 24-12-87 because of his mental illness. For the first time he presented himself to join the duty, after being cured, on 25-5-87. Therefore, this order relating to 50 per cent of back wages will not operate for the period from 10-3-86 upto 24-12-87. For this period he will be paid, if he already has not been paid, in accordance with the rules of the Company relating to leave, medical leave etc.

25. In view of the aforesaid the following award is rendered—

The action of the management of Kedla Underground Project of M/s. Central Coalfields Ltd. in not reinstating the services of Prabhu Manjhi with effect from 25-8-88 was not justified. The management is directed to reinstate the workman in the post earlier held by him immediately on this award becoming enforceable and to pay the workman 50 per cent of the back wages as per direction above.

In the circumstances of the case there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 12 अगस्त, 1994

का. आ. 2150 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. का मूनी-डीह प्रोजेक्ट के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[संख्या एल-20012/154/90-आई आर (कोल-I)]

सी. गंगाधरन, डेस्क अधिकारी

New Delhi, the 12th August, 1994

S.O. 2150.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employees in relation to the management of Moonidih Project of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 10-8-1994.

[No. L-20012/154/90-IR(Coal-I)]

C. GANGADHARAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947

Reference No. 239 of 1990

FARTIES :

Employers in relation to the management of Moonidih Project of M/s. B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri S. N. Sinha, Advocate.

For the Workmen : Shri M. K. Sengupta, Advocate.

STATE : Bihar.

INDUSTRY : Coal

Dated. the 26th July, 1994

AWARD

By Order No. L-20012(154)/90-I.R. (Coal-I) dated, the 1st October, 1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Moonidih Project M/s. Bharat Coking Coal Ltd. in dismissing Shri Indradeo Paswan, TR Mazdoor under letter No. MND/PO/27/89/763 dated 9-3-89 is justified? If not, to what relief the workman is entitled?"

2. The charge-sheet issued by the Superintendent of Mines, Moonidih Project of M/s. B.C.C. Ltd. runs as follows (Ext. M-1) :—

"I hereby require you to state as to why disciplinary action should not be taken against you as at the time of 1905 GI/94—7

interview on 15-9-79 you had submitted an attested copy of matriculation certificate No. 73C-114709 issued by Bihar Secondary School Examination Board, Patna in support of your having obtained the above certificate.

On verification of the certificate from Bihar Secondary School Examination Board, Patna, your matriculation certificate has been found fake as confirmed by the above Board.

Giving false information regarding educational qualification constitutes misconduct and also amounts to fraud and dishonesty.

Your above acts are serious misconduct under clause 17(i)(g) and 17(i)(o) of the Certified Standing Order applicable to Moonidih Project which read as under :

"17(i)(g) : Theft, fraud or dishonesty in connection with the employer's business or property.

17(i)(o) : Giving false information regarding one's name, age, Father's name, qualification or previous service at the time of employment."

3. It will appear from Ext. M-2 which is explanation of the workman to the charge-sheet that he had flatly denied that his matriculation certificate was fake.

4. The case of the management as coming out of its written statement is that when the concerned workman was working as Electrical Helper in Moonidih Project, a report was received showing misconduct on the part of the concerned workman for which a charge-sheet was issued and then the reply of the workman dated 18-11-87 was found to be unsatisfactory and a departmental enquiry was ordered to be held by Sri Surendra Jha, Dy. P.M. of Moonidih Project. According to the management the domestic enquiry was held fairly and the Enquiry Officer in his report dated 28-2-89 found the workman to be guilty of the charge levelled against him, on the basis of which the competent authority ordered dismissal of the concerned workman for which order dated 9-1-89 was issued.

5. In its written statement the management had admitted that the workman, Indradeo Paswan, was appointed as Trade Apprentice and was posted to Moonidih Project as Apprentice Trainee and was finally appointed and confirmed to the post of Helper Trainee. It is admitted that the appointment letter was issued to him on 3-6-80.

6. It has also been averred that the management came across many complaints regarding submission of fake matriculation certificates hence 132 such certificates submitted by the workmen, including Indradeo Paswan, were sent to the Secretary (Vigilance), Bihar School Examination Board at Patna through their letter dated 10-10-86. A reply was received from the Asstt. Secretary (Vigilance) of the Board through No. 120 dated 20-1-87 intimating that in the year 1974 in the Annual Examination of the Board no such Roll No. was used under the given Code. It may be mentioned that the matriculation certificate said to have been filed by the workman at the time of his interview is on the record from which it will appear that the name of his School was I.K.R.R. M.P.H. School at Chirkunda. It shows his Roll Code to be 1302 and Roll No. 478. According to this certificate-cum-marksheet alleged to have been issued by the Board, the concerned workman was shown to have been passed matriculation examination in Second Division in the Annual Examination held in the year 1974. The number of the certificate appears to be 73C-114709.

7. According to the management, thereafter a fair domestic enquiry was held in which the concerned workman produced Ext. D-1 said to be a certificate granted by some officer of the Board, namely, Sri M. Alam certifying that the certificate of the workman was genuine. The written statement goes on to declare that the then Enquiry Officer, on his own, wrote to the Asstt. Secretary (Vigilance) vide his letter dated 16-1-89 enclosing a copy of Ext. D-1, to ascertain its genuineness to which Sri M. Alam, Asstt. Secretary (Vigilance) replied through his letter dated 17-1-89 stating therein that Ext. D-1 was a fake certificate, recommending that a criminal case should be instituted against the candidate. Thereafter the Enquiry Officer submitted his report.

8. The concerned workman, who had raised the dispute himself, also submitted his written statement stating therein that for the first time he was appointed as Trade Apprentice in Electrical Trade under the Apprentices Act, 1961 through offer of appointment letter dated 25-12-79 and was posted to the Training Division, BCCL, vide order dated 21-1-80. Then he was posted at Moonidih Project for one year of apprentice training with effect from 30-1-80 under Office Order dated 29-1-80. Thereafter the concerned workman was finally and formally appointed and confirmed to the post of Helper Training through a letter of appointment dated 7-6-80. Thereafter the workman was further interviewed for verification of all testimonials and certificates, on 25-7-80. After the aforesaid verification of all testimonials and certificates the management posted the workman to Moonidih Project through their Office Memo dated 1-9-80.

9. The photo copies of the aforesaid documents have been annexed with the written statement of the workman.

10. The written statement further goes to say that having served in the Moonidih Project for 8 years to the entire satisfaction of the management concerned, without any complaint from any quarter, the workman was served with the charge-sheet dated 20/21-9-87 to which the workman submitted a proper reply on 18-11-87. Still a domestic enquiry was ordered which was held perfunctorily. When the workman was dismissed from service, a dispute was raised. Prayer has been made to set aside the finding of the Disciplinary Authority as well the dismissal of the workman and to reinstate him with full back wages.

11. Though the fairness of the domestic enquiry has been attacked in the written statement and though this point was taken up for hearing as preliminary issue it will appear from order dated 9-3-94 that Sri M. K. Sengupta, Advocate, for the concerned workman, conceded that the domestic enquiry was fair and proper.

12. The questions to be decided in this reference are, firstly, whether the management by its evidence has proved that the workman was guilty of misconduct by producing, in connection with his appointment, a fake matriculation certificate and, secondly, if so, whether the punishment of dismissal from service was just and proper under the circumstances of the case.

13. In course of domestic enquiry only Sri R. P. Singh, who also was acting as management representative had given his statement in favour of the allegation against the workman. He gave out the following points in his statement—

- (a) Indradeo Paswan was interviewed on 15-9-79 for the post of Helper Trainee Electrician as apprentice;
- (b) As was the usual practice, on that day the workman filed one attested copy of Mark-sheet-cum-certificate issued by Bihar Vidyalaya Pariksha Samiti along with mark-sheet. The certificate showed that the Code and the Roll No. of the workman was 1302 and 478, respectively, whereas the No. of the Certificate was shown to be 73C-114709. The certificate appears to have been issued by the Board on 15-6-74. In the copy of the mark-sheet also the same Roll No. and Code were mentioned;
- (c) The concerned workman was appointed in December, 1979 as Trade Apprentice Electrician at which time also he filed copies of same document, attested by Vice-President of Industrial Training Centre, Dhanbad. At the time of joining the service, the workman had noted on the verification roll that he had passed matriculation examination in the year 1974;
- (d) It was usual to get all such documents verified hence the documents furnished by the workman were also got examined by sending it to the Asstt. Secretary (Vigilance) of the Board. This information was received by the management in July, 1987 on the basis of which charge-sheet was issued.

14. The management representative, as witness, also placed certified copy of letter of Sri Alam of the Board which,

it appears, was compared by the Enquiry Officer with the original and was marked Ext. M-5. During cross-examination by the concerned workman the management representative struck to his previous statement, based on the letter of the Asstt. Secretary (Vigilance) of the Board further saying that the Asstt. Secretary had reported that the Roll No. shown in the purported document of the Board was not at all used in the year 1974 against the Roll Code mentioned in that document, hence the document was fake.

15. In reply to the evidence of the management the concerned workman himself gave evidence and produced before the Enquiry Officer a document, which was marked Ext. D-1, purported to have been issued by Mr. M. Alam on 29-10-87 certifying that matriculation certificate submitted by the workman was genuine one. This certificate in Ext. D-1 also states that the aforesaid certificate was printed in stock of 1973 in place of 1974 by mistake of the Calligrapher. The workman stated that since in the original certificate in the year 1973 had been mentioned instead of the year 1974 due to printing mistake, the enquiry made by the management in that regard was not correct.

16. This witness was extensively cross-examined by the management representative.

17. Having carefully gone through the materials on the record including the documents, I am of the opinion that the certificate-cum-marksheet in Ext. M-5. (So marked by the Enquiry Officer) which admittedly was submitted by the concerned workman at the time of his interview was not genuine one. Exts. M-3 and M-4 appear only to be the copies of the original documents. Since they appear to have been attested it may be taken that they correctly re-produce the original. No doubt, in the Tribunal the workman had filed some of his documents in which photo copies of the originals of these two documents also appear to have been filed, but neither in the photo copies of the original filed by the workman nor in Exts. M-3 and M-4 it has been mentioned as to whether the workman had passed the examination in the Annual or in the Supplementary.

18. From para 6 of the letter of Mr. Alam of the Board it will appear that on verification the Board found that in the certificate submitted by this workman and 8 other workmen, the shown Code and Roll Nos. and the name of the Centre were not at all used (in the year 1974 by the Board) Sri Alam had sent back the detailed chart of those workmen whose certificates were so verified, photo copy of which is also attached with Ext. M-5 in which the name of Indradeo Paswan was mentioned at serial No. 186.

19. Moreover, Ext. D-1 which was produced by the concerned workman before the Enquiry Officer purported to be another certificate granted by Sri M. Alam in favour of the workman appears to be of doubtful origin. I will re-produce this certificate, as it is, before making my comments, (emphasis mine).

"TO WHOM IT MAY CONCERN"

This is to certify that Sri Indradeo Paswan, S/o Sri Permeshwar Paswan of J. K. R. R. Chiranda, Dhanwad Roll Code 1302 Roll No. 478 S. S. Examination 1974 has passed the S. S. Examination in Second Division.

"That his Matriculation Certificate No 73C-114709 issued on 15th June 1974 is genuine.

"That by mistake of calligraphist it was printed in stock of 73 in place 74.

(M. Alam)
29-10-87
Asstt. Secretary,
(Vigilance)
Bihar School Examination Board.
Patna-17.
(Stamp)."

20. First of all it is unusual for an officer to issue such official certificate under the heading of "To whom it may"

concern." Moreover this certificate contains a lot of spelling mistakes which are not expected in an official certificate which are issued after verification. I have underlined those parts of the certificate which contain the mistakes. Some mistakes are glaring. In Ext. M-3 the name has been shown to be "Indradeo"; but in Ext. D-1 it is "Inderdeo". As official certificate if prepared after comparison with the original certificate that it has referred to, a mistake in the name is not conceivable.

21. Moreover in Ext. M-3 the name of the school has been shown to be J.K.R.R. Hindi M.P.H.S. But this certificate gives the name of the school only as J.K.R.R. Even the spelling of 'Chirkunda' and 'Dhanbad' have been wrongly mentioned. The signature over this certificate is illegible. This certificate does not contain signature or initial of the concerned Assistant which is usually present in official communication. This system is prevalent in the Board also would be apparent from Ext. M-3 in which two other junior officers of the Board appear to have signed the letter before Sri Alam signed over the same.

22. This shows that the certificate in Ext. D-1 in all probability is a fake one. Here I may mention that I have not at all taken into consideration the action of the Enquiry Officer in again writing to Sri M. Alam to ascertain about the genuineness of Ext. D-1, and the reply of Sri M. Alam. No doubt I have mentioned these facts while dealing with the case of the management but that was mentioned only as the case relied upon by the management. I have not taken those documents into consideration simply because this procedure adopted by the Enquiry Officer was unwarranted and against canons of natural justice and that the Enquiry Officer appears to have done that after the workman had concluded his evidence and without taking the workman into confidence. From the materials on record it does appear that though the Enquiry Officer had taken into consideration his query to Sri Alam and the reply thereto, but it does not appear that either the query of the Enquiry Officer or the reply of the Board official was presented before the concerned workman and he was asked to submit his defence against the new evidence. This way the Enquiry Officer could not legally have considered his query and reply of Sri Alam as above. For this reason, while considering the genuineness or otherwise of Ext. D-1, because the management representative during his cross-examination had termed Ext. D-1 to be a fake one, I have not taken into consideration the evidence brought on the record by the Enquiry Officer himself, but have based my conclusions on the basis of evidence that were brought on the record in presence of the workman.

23. From the cross-examination of the workman also it will appear that in this connection the proceedee had given a confused version. During cross-examination the proceedee said that he had met Sri Alam in his office and had also given answers about description of the office. He also said that Sri Alam had gave him the certificate hand to hand and had taken receipt from him. But in the next breath, when some questions appear to have been repeated, the workman said that the receipt was not taken. But thereafter he again changed his version after some questions and asserted that the certificate was given to him after obtaining receipt. Then this witness said that Sri Alam had not signed over the certificate nor had given his dictation in his presence.

24. Then again the proceedee changed his earlier statement and, in answer to another question, he asserted that Sri Alam had not given this certificate to him hand to hand. He asserted that this certificate was given to him by an Assistant. It also appears that the management representative had then produced some letter written by Sri M. Alam in which he had signed in English and asked the proceedee to compare that signature with the signature given in Ext. D-1 to which the proceedee admitted that those two signatures did not tally.

25. The management representative had pointed out in cross-examination that when any certificate or letter was issued from some office a reference number was given and the person who had prepared the letter also affixed his initial at the bottom. Then the management representative said that he had in his possession dozens of signatures of Sri Alam

but those signatures did not tally with the signature on Ext. D-1. He suggested that the certificate in D-1 was forged one and that the workman had been taken for a ride by some worker of the Board. In reply the workman said that this matter might be enquired into.

26. Taking his cue from this answer, Shri S. N. Sinha, Adv., representing the management argued that since the Enquiry Officer had followed this reply of the workman while enquiring about the genuineness of Ext. D-1, that evidence should also be taken into consideration. But this argument is fallacious because though the workman in his reply urged for any enquiry from the Board, he had not given any liberty to the Enquiry Officer to do it behind his back and not to give him any opportunity to explain.

27. Be that as it may, from the replies of the workman during cross-examination it appears that he had given contradictory answers. This coupled with the point already discussed by me in connection with Ext. D-1 and management is evidence, I am of the opinion that this certificate does not appear to be genuine and that the management representative might have rightly suggested that the workman had been taken for a ride by some official of the Board. The management has brought on the record good evidence to show that photo copy of the matriculation certificate deposited by the workman at the time of his interview was not genuine one. This when considered with the attempt of the workman to introduce into evidence an eminently doubtful certificate in his favour would further strengthen the evidence of the management that the copy of matriculation certificate-cum-marksheet was not genuine.

28. To this extent I find that the management in the domestic enquiry had been able to establish its charge.

29. The argument of the learned Counsel for the workman was two-fold. The first argument was that the concerned workman, on the basis of the same certificate exhibited by the management was allowed to join the service in January, 1980 and was placed under training and was allowed to work for about 8 years to the entire satisfaction to his superior and without any complaint, then the management must be estopped from challenging the genuineness of the matriculation certificate after lapse of that much time. The second argument was, which the learned Counsel appears to have picked up on the quarries made by the Tribunal to the learned Counsel for the management, that the management had not at all shown that for the post of Helper Trainee the essential qualification was matriculation though for the post of electrician that might have been a necessary qualification. Developing this point the learned Advocate Sri Sengupta submitted that apparently at the time the domestic enquiry was held the concerned workman was working as Electrical Helper. He pointed out that in Ext. M-3 which is order dated 10/11-1-87 appointing Sri S. Jha to be the Enquiry Officer, designation of Indradeo Paswan has been shown to be Electrician Helper.

30. I do admit that this point also had agitated my mind. The learned Counsel for the management has shown me various books to show that minimum qualification for the post of Electrician was matriculation passed with science or 10th Class under 10+2 system with science as one of the subject. For this Sri Sinha had shown me 16th Edition of "Industrial Law" by P. L. Matlick which showed at page 46, at serial 28, that for the post of Electrician the aforesaid qualification was essential. The similarity was shown with the help of Apprenticeship Act, 1961. But Sri Sengupta pointed out that the concerned workman at the time of his dismissal was still working as helper to electrician and not as electrician which was a higher post. I say that Sri Sengupta had developed this argument on the basis of quarries of the Tribunal made to the learned lawyer for the management because earlier during his argument he had not mentioned this point. Therefore it may be seen as to what was the case of concerned workman in this connection.

31. Neither in his explanation to the chargesheet, nor in the written statement the workman has taken the plea that for the post he held on or on which he was appointed did not require the qualification of matriculation. Indeed, the learned

Counsel for the management had tried to prove by showing me some other papers that for this post the call was given for only those applicants who had passed I.T.I. examination. Since I.T.I. examination can be passed only by matriculation hence if the matriculation certificate was fake, no importance can be attached to the I.T.I. certificate. But I have not looked to those documents because those were not materials already on the record. But in his written statement the workman himself has attached documents as annexure in support of its case. Annexure-III is the letter of appointment dated 7-6-80 in which the workman was advised to bring with him, in original with one attested copy of, matriculation certificate and essential certificates providing age and educational/technical qualification. Annexure-IV is a letter dated 10-7-80 calling upon the workman to appear for interview for verification of certificate, in connection with his preliminary selection. In this letter the workman was advised to bring the documents containing marks obtained in I.T.I. examination besides other documents. He was also warned if he failed to bring original mark-sheet of I.T.I. examination, his case would not be considered for trade test and final interview. There is no denying the fact that the concerned workman was appointed in Electrical Trade as will be clear from Annexure-I to the written statement. Nothing has been shown to me by the workman to prove that for the post of Electrical Helper the essential qualification was below matriculation.

32. Therefore, I find that for the post for which he had submitted application the matriculation was an essential qualification.

33. Therefore, my finding is that atleast matriculation being the qualification for the post for which the workman had applied, the certificate or mark-sheet submitted by him to prove his educational qualification has been proved not to be genuine by the evidence on record.

34. The learned Counsel for the workman has stresses that the management could not have raised the question of qualification after so many years of satisfactory service by the workman when initially it had accepted that certificate. For this the learned Counsel has put reliance upon a decision reported in 1992 Lab I.C. 459 (between Prafulla Kumar Sahoo Vs. Union of India and others) which is of Hon'ble Orissa High Court, in a Division Bench. In that case the concerned workman was punished with reversion to the lower post on his alleged misconduct that he had secured employment by furnishing false information in support of his academic qualification. Their Lordships had held that in the circumstances of the case in which the concerned workman had put in 22 years of service and joined this service after resigning from previous post, and since the Selection Board had taken no such objection at the time of interview, the management must be estopped from taking action after the lapse of 22 years. But the facts of that case are quite distinguishable. In that case the workman had produced certificate granted by the National College of Learning, Banaras that he had passed the Senior Cambridge School Certificate Examination, 1957. This certificate was produced before the Selection Board, and before the officers at the time of verification while joining the service. The qualification for the post to which he was appointed was matriculation. The management alleged that though he had not passed matriculation he had obtained a certificate from an Institution which was not recognised as an Institution by the Government of Uttar Pradesh, and that examination conducted by that Institution was also not recognised by the U.P. Government. The workman took the plea that examination conducted by the National College of Learning was in a standard equivalent to matriculation. That certificate also clearly indicated that the examination conducted by that Institution was in a standard equivalent to matric. In that case it was nobody's plea that the certificate itself was a fake one. The management was estopped from challenging the qualification of the workman after 22 years of service because the workman had initially filed that certificate which was accepted by the Government to be equivalent to the matriculation and he was appointed. Had he not been so appointed after satisfying the concerned Government about his educational qualification, there was no need for him to have resigned from his previous service.

Moreover, the management had raised this objection after 22 years of service.

35. But in this case the certificate of qualification itself has been claimed to be fake and the evidence and the materials on the record also proved that the document of qualification presented by the workman was not genuine one.

36. Therefore, ratio of the case relied upon by the learned Counsel for the workman will not apply.

37. When the very basis on which the service was obtained by the workman has been proved not to be genuine one, the workman must cease his claim upon the post he had secured by dint of such a document. In such circumstances to hold otherwise, about the punishment of such misconduct would create a wrong precedent.

38. Following, therefore, is the award—

The action of the management of Moonidih Project of M/s. B.C.C. Ltd. in dismissing Indradeo Paswan, TR Mazdoor, was justified. The workman is entitled to no relief.

Under the circumstances of the case there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 5 अगस्त, 1994

का. आ. 2151.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबंधन के संबंध निधियों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, गांवा के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-8-94 को प्राप्त हुआ था।

[संख्या एन-12012/284/90-आई. आर. (बी-2)]

बी. के. शर्मा, डेस्क अधिकारी

New Deelhi, the 5th August, 1994

S.O. 2151.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Goa as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on the 5-8-94.

[No L-12012/284/90-IR(B.II)]

V. K. SHARMA, Desk Officer

**ANNEXURE
IN THE INDUSTRIAL TRIBUNAL
GOVERNMENT OF GOA
AT PANAJI
(BEFORE SHRI A. J. AGNI, HON'BLE PRESIDING
OFFICER)**

Ref. No. IT/19/91

Shri D. S. Bandekar,
Rep. by Bank of Maharashtra,
Karamchari Sangh, 487/B,
Raviwar Peth, Kolhapur

.. Workmen/Party I

V/s.
M/s. Bank of Maharashtra,
Subhash Road, Ratnagiri,
Kolhapur.

.. Employer//Party II

Workman/Party I represented by Shri D. R. Shirodkar
Employer/Party II represented by Shri S. V. Deshpande
Panaji. Dated, the 27th July, 1994

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of the Industrial Disputes Act, 1947, the Central Government, by order No. L-120.2/284/90-IRB II dated 20-3-1991 has referred the following issue for adjudication by this Tribunal.

"Whether the action of the management of Bank of Maharashtra is justified in not considering the period 1-3-88 to 31-7-88 as period of probation for Shri D. S. Bandekar, 1/3 scale sub-staff, Sawantwadi Branch? If not, to what relief the said workman is entitled to?"

2. On receipt of the reference, a case was registered under No. IT/19/91 and notices were issued to both the parties. In response to the said notices, both the parties appeared and filed their statement of claim and written statement respectively.

3. The facts of the case in brief as stated in the statement of claim at Exb. 4 by the Party I-Workman (For short, "Union"), are that Shri D. S. Bandekar was initially appointed by the Bank as 1/3 scale sub-staff at its Sawantwadi Branch w.e.f. 1-3-88 in clear vacancy. According to Shri D. S. Bandekar, his appointment was made previously to fill in permanent vacancy which had arisen at Sawantwadi Branch on account of the retirement of Smt. D'Souza, who was the permanent sub-staff. According to Shri D. S. Bandekar, there is only one post of part time sub-staff Sweeper at the Sawantwadi Branch and after the retirement of Smt. D'Souza who was then the permanent part-time sub-staff, he was appointed against the said permanent vacancy w.e.f. 1-3-88. Shri Bandekar continued in the said permanent vacancy for more than one year and thereafter was selected for the same post vide probation order dated 7-7-89 w.e.f. 1-8-1988. Though the order of initial appointment of Shri Bandekar was styled as temporary employee, his case did not fall in any of the categories as laid down in para. 20.7 of the Bi-Partite settlement and therefore he could not be termed as a temporary employee. The grievance of Shri Bandekar is that his case is covered by clause 20.8 of the Bi-Partite settlement, (For short, B. P. settlement) dated 10-4-1989 and therefore his temporary period of service from 1-3-1988 to 31-7-1988 ought to have been included as a probationary period and consequently he is entitled to receive all monetary and consequential benefits including reckoning his seniority for further promotion.

4. The Party II-Bank in its written statement at Exb. 5 resisted the claim of Shri Bandekar on various grounds. The preliminary objection that has been raised by the Bank is that the issue of inclusion of temporary period of service into probation period has been settled by the B. P. settlement and therefore there cannot be any industrial dispute on that issue, nor the settlement can be deemed to be an industrial dispute. If there was any difficulty or doubt regarding interpretation of the settlement, then the Appropriate Government ought to have made a reference u/s 36(A) of the Industrial Disputes Act. The matter of interpretation of any provisions of the settlement is not included in the third schedule of the I.D. Act and therefore this Tribunal has no jurisdiction for interpreting the provisions of the B. P. settlement. Therefore, according to the Bank, the decision of this Tribunal on the said issues would be out of scope of the reference and beyond the jurisdiction of this Tribunal. The Bank has raised the other contentions namely that during the period from 1-3-88 to 31-7-88, Shri Bandekar was temporarily appointed from time to time by different separate assignments and each of such assignment was not made under clause 20.8 of the B. P. Settlement and each of such assignment came to an end after the period for such assignment was made. Further, in each of the said assignment, Shri Bandekar was not provisionally appointed but was temporarily appointed and therefore none of the said assignment entitled him to claim any benefit as "Probationer" Shri Bandekar did not fulfill any of the conditions stipulated in clause 20.8 of the B. P. Settlement for claiming inclusion of temporary period as part of probation period. Further, since Shri Bandekar was appointed as a part-time employee, he is not entitled to any of the benefits other than those mentioned in clause

18.2 of the B. P. Settlement and since the said clause 18.2 does not provide for inclusion of the temporary period from 1-3-88 to 31-7-88 as a part of probation period, Shri Bandekar is not entitled to claim inclusion of temporary period as a part of probation period. The Bank has also specifically denied that the initial appointment of Shri Bandekar w.e.f. 1-3-88 was in clear vacancy or that the same was made provisionally to fill in permanent vacancy. The contention of the Bank is that initial appointment of Shri D. S. Bandekar w.e.f. 1-3-88 was for temporary service which was dispensed with on 30-3-88 itself. In substance, the Bank contended that the case of Shri Bandekar did not fall under clause 20.8 of the B. P. Settlement and hence he is not entitled for inclusion of the temporary period as a part of probation period. Thereafter, the Union filed rejoinder at Exb. 6. In the said rejoinder, it was denied that this Tribunal has no jurisdiction. Union also reiterated that the temporary appointment of Shri Bandekar was to the permanent vacancy created on retirement of Smt. D'Souza, and thereafter he was selected to the said post. Both the parties have quoted the relevant clauses of the B. P. Settlement.

5. On the pleadings of the parties, the following issues arise for determination.

1. Does the Party II-Bank prove that this Tribunal has no jurisdiction to decide this case, since the Government has not made reference under Sec. 36(A) of the I.D. Act?
2. If not, does Party I prove that the action of the management of the Bank of Maharashtra is not justified in not considering the period 1-3-88 to 31-7-88 as period of probation for Party I, 1/3 scale sub-staff, Sawantwadi Branch?
3. Does Party II Bank prove that Party No. 1 workman has not fulfilled the conditions laid down in clause 20.8 of B. P. Settlement and hence he is not entitled to any relief?
4. Whether the Party I is entitled to any relief?
5. What award or order?
6. My answers to the issues are as under :
 1. No.
 2. No.
 3. Yes.
 4. No.
 5. As per order below.

REASONS

7. Before I give my findings on the issues, I would like to mention that though opportunity was given to the parties to lead oral evidence in support of their case, no oral evidence was led by both the parties and it was submitted that the case be decided on the documentary evidence produced.

Issue No. 1.—As regards this issue which is raised by the Bank by way of preliminary objection, the contention of the Bank is that since the issue of inclusion of period of temporary period of service into probation period has been settled vide B. P. Settlement, there cannot be an industrial dispute on that issue nor the settlement can be deemed to be an industrial dispute. The submission of the Bank is that, in case, there was a difficulty or doubt as regards the interpretation of the clauses of the settlement the Appropriate Government ought to have made a reference to this Tribunal u/s 36(A) of the I.D. Act and not under Sec. 10(1) and Sub-Sec. 2(A) of the said Act, as the interpretation of any of the provisions of the settlement is not included in the third schedule of the I.D. Act. The Bank therefore, submitted that this Tribunal has no jurisdiction to decide the issue involved. The Union on the other hand, maintains that this Tribunal has jurisdiction to decide the issues involved as the dispute between the workman and the Bank is not relating to the interpretation of the B. P. Settlement but the dispute is concerning the enforcement of the provisions of the B. P. Settlement and therefore the question of reference of the dispute u/s 36(A) of the I.D. Act,

does not arise. I, agree with the submissions made by the Union in this respect. The dispute between Shri Bandekar and the Bank is whether Shri Bandekar is entitled to the inclusion of the temporary period from 1-3-88 to 31-7-88 to the period of probation in terms of the clauses of the B. P. Settlement. In other words, the question is whether the case of Shri Bandekar is covered by the provisions of the B. P. Settlement whereby he can claim the benefit as he has claimed. This being the position, there was no question of difficulty or doubt as regards the interpretation of the settlement, but it was as regards the applicability of the clauses of the settlement. Sec. 36(A) of the Industrial Disputes Act, is applicable only when any difficulty or doubt arises as to the interpretation of any provision of any award or the settlement and to clear such difficulty or doubt, the Government is empowered to refer such question to the Tribunal. As I have stated earlier, the case of Shri Bandekar is not concerning of removal of doubt or difficulty as regards the interpretation of any of the clauses of the B. P. Settlement but as regards whether Shri Bandekar is entitled to the benefit of the clauses or provisions of the B. P. Settlement. I, therefore, dismiss the preliminary objection raised by the Bank and hold that the dispute between the Bank and the Union is an industrial dispute and this Tribunal has jurisdiction to decide the issues involved. Hence, the issue no. 1 is answered in the negative.

Issues No. 2 & 3 are related to one another and therefore they are taken up together.

Issues No. 2 and 3.—As Shri Bandekar is claiming inclusion of the temporary period of his service from 1-3-88 to 31-7-88 to his probation period, he had to prove that his case was covered by the provisions of the B. P. Settlement. The Union as well as the Bank have relied upon the provisions of B. P. Settlement dated 10-4-89. The relevant clause which deals with the inclusion of the temporary period upto 3 months to the probation period is clause no. 20.8 of the B. P. Settlement. The Union in its statement of claim at Exb. 4 as well as the rejoinder at Exb. 6, has relied upon the provisions of the clause 20.8 of the B. P. Settlement. The Bank however has tried to argue that admittedly, Shri Bandekar was a part-time employee drawing scales wages and therefore he is covered under clause 18.2 of the B. P. Settlement by which he is entitled to only those benefits as mentioned in the said clause. According to the Bank, the said clause does not provide for inclusion of the temporary period to the probation period and therefore Shri Bandekar is not entitled to the relief claimed. As against this, the Union has contended that the clause 18.2 of the B. P. Settlement is not applicable to Shri Bandekar, firstly, because clause 18.2 of the B. P. Settlement came into force w.e.f. 10-4-89 and the inclusion of the temporary period of the probation period relates to the earlier period i.e. from 1-3-88 to 31-7-88 when this clause 18.2 was not in existence. The Union has further contended that the retrospective effect is given to the said clause 18.2 and secondly, because inclusion of the temporary period to the probation period cannot be termed as benefit, since it is basic service condition to an employee in general. I have gone through the clause 19.2 of the B. P. settlement. I do not agree with the submissions made by the Union that because the inclusion period relates to the period 1-3-88 to 31-7-88 and the clause 18.2 of the B. P. Settlement has come into effect from 10-4-89, no retrospective effect can be given to the said clause 18.2. What is provided under clause 18.2 is that certain benefits are given to the part-time employees, whether they were appointed prior to the coming into force of the said clause 18.2 or subsequently. The said clause does not state that the benefits provided under the said clause would be applicable to the part-time employees who are appointed from the date when the said clause comes into effect. However, I agree with the submissions made by the Union that merely because clause 18.2 of the B. P. Settlement does not provide for inclusion of the temporary period into the probation period, an employee cannot claim the same period even if inclusion of the same, is provided under the other provisions of the said settlement. Shri Bandekar, in support of his case has relied upon clause 20.8 of the B. P. Settlement which specifically provides for inclusion of the temporary period of service to the probation period under certain conditions. The Bank has also admitted that it is the only clause which provides for

such inclusion. However, it is the submission of the Bank that Shri Bandekar has not fulfilled all the conditions laid down in clause 20.8 of the B. P. Settlement and for this reason, he is not entitled to any relief. It may be pointed out that issue no. 3 framed by my Predecessor, refers to clause 20.7 while casting the burden on the Bank to prove that Shri Bandekar has not fulfilled the conditions laid down in clause 20.7, which is apparently by mistake. From the pleadings made by the Bank in the written statement, it can be seen that the Bank has specifically denied that Shri Bandekar is fulfilling the ingredients of clause 20.8 of the B. P. Settlement. Therefore, it is to be determined whether the workman Shri Bandekar does not fulfil the conditions laid down in clause 20.8 and not 20.7 of the B. P. settlement, and the onus is on the Bank to prove the same. Clause 20.8 of the settlement reads as follows :—

"A temporary workman may also be appointed to fill a permanent vacancy provided such a temporary appointment shall not exceed period of 3 months during which the Bank shall make arrangements for filling up of the vacancy permanently. If such temporary workman is eventually selected for filling up the vacancy the period of temporary employment will be taken into account as part of his probation period."

Since it is the case of Shri Bandekar that the Bank is not justified in not including the temporary period of his service from 1-3-88 to 31-7-88 to his probation period, he had to prove that the clause 20.8 of the B. P. Settlement was applicable to him and that his case squarely came within the purview of clause 20.8 of the settlement. The basic requirement of clause 20.8 of the B. P. Settlement is that Shri Bandekar ought to have been appointed as a temporary workman to fill up any permanent vacancy for a period of 3 months and further he ought to have been selected for filling the said permanent vacancy. The Bank has specifically denied in its written statement that Shri Bandekar was appointed provisionally to fill the permanent vacancy. The Bank contended that the appointment of Shri Bandekar was for temporary service which was dispensed with on 30-3-88 and that during the period from 1-3-88 to 31-7-88, he was appointed temporarily. The Bank also further denied that Shri Bandekar was appointed temporarily to fill the permanent vacancy. In view of the specific denials of the Bank, the burden lay heavily on the Union to prove that the temporary appointment of Shri Bandekar was to fill the permanent vacancy and that he was eventually selected to fill up the said vacancy. If any of these conditions are not fulfilled, Shri D. S. Bandekar is not entitled to the claim that he has made. I may say here, that the Union has miserably failed to discharge this burden. It has neither led any oral evidence nor any documentary evidence to show that Shri Bandekar was temporarily appointed to fill the permanent vacancy and that further he was selected to fill the said vacancy. The Union has not taken pains even to produce the order temporarily appointing him w.e.f. 1-3-88. Also it did not even call upon the Bank to produce the relevant documents or records which could show that Shri Bandekar was appointed to fill the permanent vacancy created by the retirement of Smt. D'Souza. Thus, there is no iota of evidence to show that the temporary appointment of Shri Bandekar was to fill up the permanent vacancy and that eventually he was selected to fill up the same vacancy. Also basically it ought to have been proved that the appointment of Smt. D'Souza was to a permanent post. The decision of the High Court of Bombay in Writ Petition No. 509 of 1988 relied upon by the Union is not of any help to them. On the contrary, it supports the case of the Bank that an employee can demand the inclusion of his temporary service period to his probation period, provided he is a temporary workman appointed to fill up a permanent vacancy and that subsequently he has been selected to fill up the said vacancy. Unless the above two conditions as laid down in the decision of the Bombay High Court, in Writ Petition No. 509 of 1988 are fulfilled, an employee, is not entitled to claim the inclusion of temporary period to the probation period. As I have stated earlier, the Union has totally failed to prove that Shri Bandekar has fulfilled the said two conditions and therefore, it cannot be said that the act of the management of the Bank in not considering the temporary service period from 1-3-88 to 31-7-88 as a period of probation is unjustified. The

Bank has produced the copies of the awards passed by the various Industrial Tribunals on similar points. I have considered the said Awards wherein it is held that, if an employee fails to prove that his temporary appointment was to fill the permanent post and that subsequently he was selected to fill the said post, he cannot take the benefit of clause 20.8 of the B. P. Settlement and I agree with the same. I, therefore, hold that the Party I-Union has failed to prove that the action of the management of Bank of Maharashtra in not considering the temporary period from 1-3-88 to 31-7-88 as probation period, is not justified. Hence, I answer the issue no. 2 in the negative. As regards the issue no. 3, I have already stated earlier that the Union has not led any evidence to show that the temporary appointment of Shri Bandekar was to fill the permanent vacancy and further that he was subsequently selected to fill the said vacancy. The above two conditions are the main conditions of the clause 20.8 of the B. P. Settlement. Therefore, I hold that the Party II-Bank has proved that Shri Bandekar has not fulfilled the conditions laid down in clause 20.8 of the B. P. Settlement and therefore he is not entitled to any relief. Hence, I answer the issue no. 3 in the affirmative.

Issue No. 4.—Once I have given the finding while discussing the issue no. 2 that Union has failed to prove that the action on the part of the management of Party II-Bank was unjustified, it follows that Shri Bandekar is not entitled to any relief. I, therefore, answer this issue in the negative.

In view of the matter, I pass the following order.

ORDER

It is hereby declared that the action of the management of M/s. Bank of Maharashtra was justified in not considering the period 1-3-88 to 31-7-88 as period of probation for Shri D. S. Bandekar, 1/3 scale sub-staff, Sawantwadi Branch, and hence the workman Shri D. S. Bandekar is not entitled to any relief whatsoever.

No order as to costs. Inform the Central Government accordingly.

AJIT J. AGNI, Presiding Officer

नई दिल्ली, 11 अगस्त, 1994

का. अ. 2152.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ़ मद्रास के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, कोल्लम के पंचरट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[संख्या एल-12012/119/93-आई. आर. बी.-I]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 11th August, 1994

S.O. 2152.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of Travancore and their workmen, which was received by the Central Government on 10-8-1994.

[No. L-12012/119/93-IR (B-I)]
V. K. SHARMA, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

Dated, this the 27th day of July, 1994

PRESENT:

Sri C. N. Sasidharan, Industrial Tribunal.

IN

Industrial Dispute No. 31/93

BETWEEN

The Managing Director, State Bank of Travancore, Head Office, Poojappura, Trivandrum-695012.

AND

The General Secretary, State Bank of Travancore, Staff Union, Central Office, Trivandrum-695039.

[Sri P. V. Jose, General Secretary, SBT Staff Union (Regd.)]

AWARD

This industrial dispute has been referred to this Tribunal by the Government of India as per Order No. L-12012/119/93-IR (B-I) dated 9-9-1993 for adjudicating the following issue:

"Whether the action of the management of State Bank of Travancore in imposing the punishment of Stoppage of three increments with cumulative effect on Sri N. Thulaseedharan, Record Keeper, Quilon Civil Station branch, is fair and justified? If not, to what relief the workman is entitled to?"

2. The union espousing the cause of the workman Sri N. Thulaseedharan has filed a detailed claim statement and the contentions are briefly as under:

Sri Thulaseedharan, record keeper, State Bank of Travancore, Kollam Civil Station Branch hails from a very poor family with only 8th standard education. He joined service as a Peon from 9-2-1972 and was promoted as record keeper in 1985. He was intrusted with the work of despatch and was not given any training for doing the work of despatch. He was carrying out the work only with the help and assistance of his colleagues. By letter dated 9-5-1990 the workman was charge sheeted by the management for the alleged act of making wrong/fictitious/duplicate entries in the telegram outward and letters outward registers from 1-9-1987 to 3-9-1989 resulting in a shortage of Rs. 1,095.70 in the despatch account. The workman submitted his explanation vide letter dated 4-4-1990. He was served with another memo dated 9-5-1990 to which also he submitted explanation pleading innocence in the alleged act of misappropriation. But without considering the explanations the management ordered domestic enquiry. The enquiry officer or the disciplinary authority nor the appellate authority failed to note the above facts and most severe punishment of stoppage of 3 increments with cumulative effect was imposed against him. The instructions of the Bank regarding despatch such as checking of total and balancing by the officials and counter checking were not followed. The physical verification of the balance cash and stamp was also not done. Checking had not been done on several dates. It was deposed in the enquiry by the witnesses of management that there was deviation from the laid down procedures regarding the functioning of the despatch. The workman used to be shifted from one section to another frequently making proper and prompt maintenance of the despatch section very difficult. The workman is hard working and faithful to his duties. He has served the Bank for 19 years. Due to the shifting of the employee the key of the despatch box was handed over to the accountant and stamps were taken from the box for despatch purposes. He has not done anything detrimental or prejudicial to the interest of the Bank. He has not misappropriated any amount though some lapses have occurred due to the lack of knowledge and improper management of the despatch section. The telegram outward register shows that though telegram were sent from the Kollam branch they are not entered and counted. Counting of the expenses will be detailed and quite often omitted as the workman was frequently shifted to other sections. That is the main reason for the discrepancies occurred in the telegram outward register. According to the union it was only the cumulative effect of non checking, lack of training and knowledge of the workman and the non compliance of the Bank's laid

down principles resulted the mistakes in the despatch section. The above facts were brought out during the domestic enquiry. The punishment of stoppage of 3 increments with cumulative effect is harsh and disproportionate to the charges levelled against him. The prayer is for setting aside the order of punishment imposed by the management.

3. The management opposes the case of the union. The contentions of management are briefly as under :

The management is a Public Sector Banking Institution. The internal audit of the Kollam Civil Station branch of the Bank was conducted in September 1989 and some discrepancies were noted in the postage account of the branch. Then a spot audit was also conducted and it was detected that an amount of Rs. 1,095.70 was misappropriated during the period between 1-9-1987 to 3-9-1989 by the workman who was doing the despatch work there. The misappropriation was done by making wrong/duplicate/fictitious entries in the telegram outward and letters outward registers on many occasions during the period in question. He also did not follow the Bank's instructions to enter the text of telegram, name, address, date, amount etc. in the telegram outward register and carry over day's total to letters outward register and tally the cash with the balance. The acts of the workman amounted to gross misconduct under clause 19.5(j) and 19.5(e) of Bipartite settlement 1966. The workman was accordingly issued a charge memo and the explanation submitted by the workman was not satisfactory. Accordingly the management ordered a domestic enquiry and Sri R. Gopalakrishnan Nair, Karunagapally Branch Manager of the Bank was appointed as the enquiry officer. The management was represented by the Kaddakkal Branch Manager of the Bank and the workman availed the assistance of union representative Sri P. V. Jose. The workman and his representative fully co-operated and participated in the enquiry proceedings. The enquiry was conducted fully in compliance with principles of natural justice. The workman was given opportunity to adduce evidence and he has adduced both oral and documentary evidence. All the witnesses examined on the side of the management were cross examined by the defence representative. Both sides submitted argument notes. The enquiry officer on analysing the evidence and appreciating the facts and circumstances came to the conclusion that the charges had been proved. The disciplinary authority passed a preliminary order proposing the present punishment taking a lenient view. The workman submitted his explanation which was not acceptable and the proposed punishment was confirmed. The appeal filed by the workman was dismissed after considering the grounds of appeal. Though the workman deserved extreme penalty of dismissal for the serious misconducts, the management imposed a lesser punishment which is proper and justified and does not deserve any interference. The workman had enough experience in the despatch section before he started making the fraudulent actions/entries in the Bank's Book and registers during the period in question. The management has taken appropriate action against the officials responsible for lapses/omissions in the matter of checking/counter checking as alleged by the workman. He was not constantly shifted from one place to another during the period in question. The fraudulent entries/alterations are in the handwriting of the workman and relates to the dates actually worked by him in the despatch section. He alone was doing the work of despatch during the period. Misappropriation is not an offence which can arise out of lack of supervision or checking. The management denies all other allegations made by the workman. Section 11-A of the Industrial Disputes Act is not attracted in this case. There is no reason to disagree with the findings of the enquiry officer and to find that the punishment imposed is shockingly disproportionate to the offence committed. According to the management the punishment imposed on

the workman is absolutely justified and the workman is not entitled to any relief.

4. No evidence has been let in by either side. However Exts. M-1 to M-9 on the side of the management and W-1 and W-2 on the side of the union have been marked on mutual consent.

5. The workman was chargesheeted for the misconducts of misappropriation of money by making wrong/duplicate/fictitious entries in the telegram outward and letters outward registers from 1-9-1987 to 3-9-1989, doing acts prejudicial to the interest of the Bank and wilful in subordination or disobedience of any lawful and reasonable orders of the management under clause 19.5(1) and 19.5(e) of the Bipartite Settlement 1960. The Management has imposed the punishment after accepting the findings of the enquiry officer who conducted a domestic enquiry in to the charges. In the claim statement filed by the workman there is no attack against the validity of the enquiry, the procedure adopted in the enquiry and the person who conducted the domestic enquiry. There is also no contention that the enquiry was conducted in violation of the principles of natural justice. Further there is no allegation that the findings of the enquiry officer are perverse or not supported by legal evidence. The only attack is that the enquiry officer failed to consider the actual facts before entering the findings.

6. In the claim statement filed by the union there is no specific denial of the misconducts. According to the union the alterations/fictitious entries etc. in the registers occurred due to lack of experience, poor education etc. of the workman and he has not misappropriated any amount. Ext. M-3 is the enquiry proceedings conducted by the enquiry officer. It is evident from the enquiry proceedings that the workman was afforded ample opportunity to participate in the enquiry and he has participated in the enquiry throughout with the assistance of a defence representative. Ext. M-4 is the report of the enquiry officer. It is evident from Ext. M-4 that the enquiry officer considered all the relevant pages of telegram outward register and letters outward register and discussed each and every entries along with the oral evidence of witnesses to arrive at his findings on the charges separately. The enquiry officer has fully analysed the evidence and discussed the points elaborately before arriving his findings regarding the charges. The findings of the enquiry officer are fully supported by legal evidence. By no stretch of imagination it can be said that the findings of the enquiry officer are against actual facts as alleged by the union. The enquiry was conducted fully in compliance with principles of natural justice and the findings of the enquiry officer are proper, valid and supported by evidence.

7. The union has a contention that the whole things happened due to lack of experience, poor education and laxity on the part of the officials of management in checking and counter checking the records in time. The enquiry officer has considered these points and discussed elaborately in pages 17 and 18 of Ext. M-4 report. It was found that the workman had about 14 months previous experience in the despatch work and no fraudulent entries and misappropriation of funds had been detected during that previous period. The enquiry officer found that the workman had been in the service of Bank for more than 5 years before his promotion as record keeper and had got about 14 months experience in the despatch section and hence the contention regarding lack of experience, training etc. cannot be accepted. Further the workman has no case that he made any complaint to the management about any difficulty in doing work in the despatch section due to lack of experience or training. It is true that there had been laxity on the part of checking officials but the workman had taken advantage of that situation to defraud the Bank as held by the enquiry officer. The workman was admittedly the custodian of cash and stamps in despatch section. He was maintaining the books and records pertaining to that section. Admittedly all the entries in the concerned registers were made by the workman only during the disputed period. The workman had a contention that there was delay in entering certain entries regarding stamps and telegrams and that resulted in the discrepancies in the amount. If that be so there should have been excess amount in the despatch section. But there was no such excess amount. The particulars cash and stamps were recorded by the workman in the despatch register. Therefore the above contentions of union are devoid of merit.

8. The union had yet another contention that the management used to shift the workman frequently from his section to other sections and the accountant was put in charge of stamps. The according to the union resulted delay in recording the entries and the subsequent shortage of amount. The management has categorically stated in the written statement that even if the workman was entrusted with some work in other sections under exigencies no other person was allowed to do despatch work during this period and the workman alone was doing the work of despatch section. It is not proved otherwise in the enquiry. The work allotment register also negative the case of the workman. This contention is therefore without force.

9. According to the union the present punishment imposed by the management is harsh and disproportionate. As I have stated above the misconducts alleged against the workman had been proved in a properly conducted domestic enquiry. There are no infirmities, irregularities, difficulties, bias etc. in the order passed by the Disciplinary authority or in the enquiry conducted by the management. As per clause 19.6 of the Bipartite Settlement the management is empowered to inflict even the punishment of dismissal when an employee is found guilty of gross misconduct. The misappropriation of Rs. 1,095.70 now proved against the workman is definitely a serious misconduct warranting maximum punishment. But the management has imposed only a lesser punishment of stoppage of 3 increments with cumulative effect taking a lenient view. There is no allegation of victimisation or unfair labour practice. The Disciplinary Authority has considered all the aspects before imposing the punishment. It cannot therefore be said that the punishment is severe, harsh or disproportionate considering the gravity of charges proved against the workman. That being the position there are no circumstances to interfere with the punishment. Further this is a case where Section 11-A of the Act has no application and this Tribunal is not an Appellate Authority and the punishment shall not be interfered with unless it is perverse. There is no allegation that the findings of the enquiry officer are perverse. In this statement of affairs there is no justification to interfere with the punishment in question. For this view I seek support from the following decisions of the Supreme Court.

10. The first authority cited by the management in this regard is the decision of the Supreme Court in *M/s. Hind Construction and Engineering Company V. their workman* (AIR 1965 SC 917). In that case the Supreme Court considered the powers of Industrial Tribunal in a case of similar nature and held this in para 5 :—

"It is now settled law that the Tribunal is not to examine the finding or the quantum of punishment because the whole of the dispute is not really open before the Tribunal as it is ordinarily before a court of appeal. The Tribunal's powers have been stated by this Court in a large number of cases and it has been ruled that the Tribunal can only interfere if the conduct of the employer shows lack of bona fides or victimisation of employees or unfair labour practice. The Tribunal may in a strong case interfere with a basic error on a point of fact or a perverse finding, but it cannot substitute its own appraisal of the evidence for that of the officer conducting the domestic enquiry though it may interfere where the principles of natural justice or fair play have not been followed or where the enquiry is so perverted in its procedure as to amount to no enquiry at all. In respect of punishment it has been ruled that the award of punishment for misconduct under the Standing Orders, if any, is a matter for the management to decide and if there is any justification for the punishment imposed the Tribunal should not interfere. The Tribunal is not required to consider the propriety or adequacy of the punishment or whether it is excessive or too severe. But where the punishment is shockingly disproportionate, regard being had to the particular conduct and the past record or is such, as no reasonable employer would ever impose in like circumstances, the Tribunal may treat the imposition of such punishment as itself showing victimisation or unfair labour practice."

The next authority cited is the decision of the Supreme Court in *East India Hotels V. their Workman* (AIR 1974 SC 896). While considering the same question the Supreme Court made the following observations in para 5 :—

"In the undoubted exercise of the right of the employer to take disciplinary action, and to decide upon the quantum of punishment, both of which are part of the managerial functions, what has to be seen is whether the employer before imposing the punishment had conducted a proper enquiry in accordance with the provisions of the Standing Orders, if applicable, and principles of natural justice. When a proper enquiry has been held by an employer and the finding of misconduct has support from the evidence adduced at the said enquiry, the Tribunal has no jurisdiction to sit in judgment over the decision of the employer as an appellate body. The interference with the decision of the employer will be justified when the enquiry is unfair or the findings arrived at in the enquiry are perverse or have no basis in evidence or the management is guilty of victimisation, unfair labour practice or mala fide or the punishment is harsh and oppressive. The Tribunal cannot, therefore, reappraise the evidence and arrive at a conclusion different from that arrived at by the domestic Tribunal."

The above decisions of the Supreme Court set to rest the controversy here.

11. In the result, an award is passed holding that the action of the management of State Bank of Travancore in imposing the punishment of stoppage of 3 increments with cumulative effect on Sri N. Thulaseedharan, Record Keeper Kollam Civil Station Branch is fair and justified and that he is not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Documents marked on the side of the Management

- Ex. M-1—Photostat copy of charge memo issued to the workman from the management dated 9-5-1990.
- Ex. M-2—Photostat copy of reply given by the workman to the chargesheet dated 7-6-1990.
- Ex. M-3—Photostat copy of enquiry proceedings, containing statement of witness, documents etc.
- Ex. M-4—Photostat copy of the enquiry report.
- Ex. M-5—Photostat copy of preliminary order issued by the management to the workman dated 28-3-1991.
- Ex. M-6—Reply dated 13-4-1991 given by the workman to the management.
- Ex. M-7—Final order issued by the management dated 10-5-1991.
- Ex. M-8—Photostat copy of appeal filed by the workman dated 25-6-1991.
- Ex. M-9—Photostat copy of the final order issued by the Appellate Authority dated 21-8-1991.

Documents marked on the side of the Workman

- Ext. W-1—Photostat copy of argument notes dated 15-3-1991.
- Ext. W-2—Copy of Ext. M-8

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2153.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय रिजर्व बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[संख्या एल-12012/256/91-आई आर बी-III/बी. I]
बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 11th August, 1994

S.O. 2153.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their workman, which was received by the Central Government on the 10-8-94.

[No. L-12012/256/91-RB. III/B.I]
V. K. SHARMA, Desk Officer

**ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. I, AT BOMBAY**

Present :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-97 of 1991

Parties :

Employers in relation to the management of Reserve Bank of India.

AND

Their workman

Appearances :

For the Management : Shri G. S. Hedge, Officer.

For the Workman : Shri M. B. Anchan, Advocate.

INDUSTRY : Banking **STATE :** Maharashtra
Bombay, dated the 26th day of July, 1994

AWARD

Government of India, Ministry of Labour, New Delhi, by letter dated 12/19-11-1991 made under Section 10(1)(d) read with Sub-section 2A of the Industrial Disputes Act, 1947 following reference to this Tribunal for adjudication.

"Whether the action of the management of Reserve Bank of India, Bombay, is justified in dismissing from services Shri V. M. Waingarkar, ex-sweeper, with effect from 22-7-88 ? If not, to what relief the workman is entitled to ?"

2. Statement of claim has been filed by the workman and he states that he was chargesheeted by chargesheet dated 21-11-1987 by the Manager for the misconduct of remaining absent without prior sanction/intimation on 32 occasions between 7th November 1986 to 4th September 1987. An enquiry was held and he was found guilty. The Enquiry Officer's report was considered by the Disciplinary Authority and by order dated 30-5-1988. The Disciplinary Authority decided to dismiss him from service. A show cause notice was given and by order dated 22-6-1988, he was dismissed from service. He appealed by appeal dated 19-7-1988 to the Governor. Same was rejected. It is therefore, that he approached Asstt. Labour Commissioner (Central) and after unsuccessful effort to have a settlement, a failure report was made and hence the present reference made.

3. He submits that the enquiry was against the principles of natural justice, he was not given the record on which the charge was based and was not allowed the assistance of a defence representative. He was not aware of the enquiry procedure and he was not allowed to engage defence representative.

4. So far as his defence is concerned, he states that during the relevant period he was not keeping good health and his wife and daughter were also sick. Thereafter, his daughter expired. He was some times required to attend office late, but was not allowed to report for duty. He also submitted that he had submitted leave applications giving reasons whenever he remained absent. On occasions he could not make leave applications in advance because he could not foresee the sickness in his family. He has given applications after he resumed duty. He also submitted medical certificates whenever he applied for leave on the ground of illness.

5. He further submits that the Manager is the Disciplinary Authority and he had not issued the show cause notice dated 4-6-1988 but the Assistant Manager issued it making the notice illegal and vitiate the enquiry.

6. His appeal to the Governor, Appellate Authority, was not considered by him but considered by the Karyapalak Nideshak. That also vitiated according to him the enquiry and the order of dismissal.

7. He states that in any event the punishment is disproportionate to the misconduct alleged and he may be given lesser punishment if at all this Tribunal comes to the conclusion that he is guilty of misconduct.

8. Written statement has been filed on behalf of the R.B.I. repeating the claim made in this statement of claim. It is the case of the management that the delinquent workman was given opportunity to defend himself at the enquiry. He availed of that opportunity but pleaded guilty and the management produced evidence in support of the charge which was found sufficient to hold him guilty.

9. It is denied that there was any violation of principles of natural justice. Submission made is that this Tribunal should not interfere with the order passed by the Competent Authority and the appeal preferred to the Governor and the other order passed thereon.

10. The learned counsel appearing on the either side have been heard.

11. Mr. Anchan, on behalf of the workman submitted that the chargesheet annexure 'A' is bad in law. I am unable to see justification for this submission. The chargesheet mentions that the charges as stated in para 3 are levelled against him. In para 2, it mentioned that he remained absent without prior sanction/intimation on 32 occasions between the period 7th November 1986 and 4th September 1987. The details which have been given in para 3 mentions that he is chargesheeted for remaining absent a gross misconduct committed by him within the meaning of Regulation 47 of the Reserve Bank of India Staff Regulations 1948 and also committed breach of Regulations 39 of the said Regulation. He was called upon to answer the above charges on receipt of the same within 10 days either in writing or in person and in case he makes an oral submission he was told that will be taken down in writing and read out him. It is thereafter, that the enquiry was held and it is evident from the enquiry papers that the charges were explained to him and the Enquiry Officer called Shri Pandit, Asstt. Caretaker as the Bank's witness. The Bank's witness's evidence was recorded and he was permitted to cross-examine him and his answer was in the negative. Thereafter he made his further submission and stated that he has explained the reason why he remained absent and admitted that before remaining absent he should have applied in advance but he failed to do so admitted that mistakes committed by him. He further stated that is he had no permanent place of residence and his wife has undergone cessation operation and became weak and frequently fell ill and he also added that his daughter expired. Because of all these factors he had to report some time late but he was not allowed to resume duty. These facts he placed before the Enquiry Officer with a request that the Competent Authority

should take a lenient view. The Presenting Officer made his submissions and thereafter the Enquiry Officer gave his report. This report recorded adverse findings and the Competent Authority after giving him opportunity to show cause passed order of dismissal. The delinquent made his submissions but they did not appeal to the Competent Authority. It is seen that thereafter, his appeal to the Governor was also dismissed. I therefore, find that there is no merit whatsoever, in this contention that the enquiry has not been in accordance with the principles of natural justice and therefore, vitiated. The learned counsel appearing on behalf of the delinquent workman, as stated earlier submitted that the chargesheet was defective but I find that there is no defect. The Regulations 39 and 47 clearly were attracted, 47 deals with penalties for breach of Regulations, negligence, inefficiency or indolence or who knowingly does anything detrimental to the interest of the Bank or in conflict with its instructions or who commits a breach of discipline or is guilty of any other act of misconduct. One of the punishments provided is dismissal. That has to be imposed only after an order in writing signed by the Competent Authority is made and no such order is to be passed without the charges being formulated in writing and given to the employee so that he shall have reasonable opportunity to answer them in writing or in person as he prefers. In the latter case his defence shall be taken down in writing and read to him.

12. Regulations 39 was clearly attracted because he absented from his duties without having obtained permission of the Competent Authority and that fact is not disputed by him. So far as his absence on account of his sickness or accident is concerned for which he had to submit sufficient medical evidence unless dispensed with in case of temporary indisposition by the Competent Authority. It is therefore, evident that he was guilty of misconduct alleged.

13. The submission than was that the office order dated 23-6-1988, mentions that the absence has been regularised by grant of extra ordinary leave without pay and allowances not counting for increments and that will show that he cannot be held guilty of the charge of misconduct for absence. I am unable to accept the submission. This order has been passed after the order of dismissal and the period of absence has to be regularised for the purpose of pay and allowances and also for the purpose of counting increments etc. It is for these reasons that the order is required to be passed. One cannot fall back upon that order to contend as has been done in this case, that the leave having been granted, the charge of misconduct does not survive.

14. The next submission is that the penalty is disproportionate. It is submitted that he is an employee since 1977 and a harsh punishment of dismissal has been imposed for his lapse. The management has referred to his past record while passing an order of dismissal and it is far from satisfactory. The present lapse concerns absence on 32 occasions during the period 7th November, 1986 to 4th September, 1987. The application, no doubt appeared to have been made by the delinquent mentioning the reasons therefor, but not before proceeding on him. Then that is the misconduct committed by him and of which he had been found guilty. This misconduct which is grave enough and he had an unsatisfactory past record and that is taken into consideration by the Competent Authority. He remained absent on 6 occasions for 55 days without prior sanction/intimation between 17th July, 1984 to 11th October, 1984. He failed to submit leave applications in this time. He was also chargesheeted twice on the earlier occasions for his unsatisfactory leave record and the charges were proved in the departmental enquiries instituted against him, and his pay was reduced permanently by one incremental stage in September, 1982 in the first case and was reprimanded in February 1984. He was also given advisory memorandum pointing out his unsatisfactory leave record and advising him to improve his leave record. Even after the issue of the present chargesheet his leave record has continued to be unsatisfactory. He also did not respond to show cause notice given to him in this particular case on the point of penalty. In view of all this it is difficult to agree with the submission made that the penalty is harsh and disproportionate. Award accordingly

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 11 अगस्त, 1994

का. आ. 2154.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हड़ोती क्षेत्रीय ग्रामीण बैंक, कोटा के प्रबंधकों के संबंध में औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट का प्रकाशन करता है, जो केन्द्रीय सरकार की 9-8-94 का प्रमाण हुआ था।

[संख्या एन-12011/7/90-आई. आर. बी.-1]

बी. क. शर्मा, डेस्क अधिकारी

New Delhi, the 11th August, 1994

S.O. 2154.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Harauti Kshetriya Gramin Bank, Kota, and their workmen, which was received by the Central Government on the 9-8-1994.

[No. L-12011/7/90-IRB.I]

V. K. SHARMA, Desk Officer

अनुसंध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा
निर्देश प्रकरण क्रमांक : ओ. न्या. (केन्द्रीय) 13/1990
दिनांक स्थापित : 11/8/90

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली की आदेश.
क्रमांक एन. 12011/7/90—(आई. आर. बी.) बी-आई/आई.
आर.बी. III दिनांक 6-6-90

औद्योगिक विवाद अधिनियम, 1947

मध्य

कालीदास रात्मज श्री गोपीनाथ माफेन हिन्द मजदूर
संघ, कोटा।

—प्राथमिक श्रमिक

एवं

चेयरमैन, हड़ोती क्षेत्रीय ग्रामीण बैंक, कोटा।

—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. क. चाचान, आर. एन. जे. एम.

प्राथमिक श्रमिक की ओर से प्रतिनिधि : श्री एन. के. तिवारी
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री एम. सी. गुप्ता
अधिनियम दिनांक, 21 जुलाई, 1994

अधिनियम

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न
निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा
10(1)(घ) के अंतर्गत इस न्यायाधिकरण की अधिनियम
सम्प्रेषित किया गया है :—

"Whether the action of the management of Hadoti Kshetriya Gramin Bank, Kota in terminating the services of Shri Kali Das w.e.f. 9-11-85 is justified? If not, what relief the workman is entitled to?"

AND

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी तदुपरांत दोनों पक्षों की ओर से अपने-अपने अभ्यावेदन प्रस्तुत किए गए।

3. आज दोनों पक्षों के विद्वान प्रतिनिधिगण उपस्थित हुए। प्रतिपक्षी की ओर से कोई साक्ष्य पेश नहीं की गयी और न कोई कारण साक्ष्य प्रस्तुत न करने का बताया गया। ऐसी स्थिति में उनकी साक्ष्य बन्द की गयी। पक्षकारों की बहस सुनी गयी व पत्रावली का अवलोकन किया गया। बाद अवलोकन पत्रावली से यह स्पष्ट प्रकट होता है कि प्रार्थी स्वयं द्वारा अपने क्लेम समर्थन में कोई साक्ष्य प्रस्तुत नहीं की गयी जिससे कि उसके कथन की पुष्टि हो सके। अतः साक्ष्य के अभाव में प्रार्थी श्रमिक का क्लेम अस्वीकार किया जाता है और वह किसी राहत को प्राप्त करने का अधिकारी नहीं पाया जाता और भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इसी प्रकार उत्तरित किया जाता है।

इस अधिनियम को समुचित सरकार को निम्नानुसार प्रकाशनार्थ भिजवाया जावे।

आर.के. चाचान, न्यायाधीश

नई दिल्ली, 12 अगस्त, 1994

का. भा. 2155 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण अल्लेपी के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-94 को प्राप्त हुआ था।

[संख्या एन-12012/305/91—आई. आर. (बी.-2)]
बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th August, 1994

S.O. 2155.-In pursuance of Section 17 of the Industrial Disputes Act, 1947 (4 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Alleppey as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 12-8-94

[No. L-12012/305/91-IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL, ALLEPPEY

(Dated this the 18th day of July, 1994)

PRESENT :

Shri K. Kanakachandran, Industrial Tribunal,

I.D. No. 17/92

BETWEEN :

The Asstt. General Manager, Syndicate Bank. Zonal Office, Trivandrum.

The Worker of the above concern G. Sasikala, Pigmy Deposit Collector, 18/498, Vembrakat House, Waterland Road, Palluruthy, Cochin-6.

Representations :—

Sri. P. V. Narayanan Nambiar, Advocate, Ernakulam. For Management.

M/s. C. S. Rajan & T. V. Ajayakumar, Advocates, Cochin 11. For Worker.

AWARD

1. This industrial dispute was referred for adjudication by the Government of India under Section 10(1) of the I.D. Act. In the reference order No. 12012/305/91-IR (B-II) dated 27-3-1992 the issues to be adjudicated are given in the schedule and that read as follows :—

"Whether the action of the management of Syndicate Bank in terminating the services of Kum. Sasikala, Pigmy Deposit Collector is justified? If not, to what relief the workman entitled to?"

2. The worker concerned in this dispute was appointed as an Agent for the collection of Adarsh deposits in the Kottukulam Road, branch of Syndicate Bank, Cochin. That was by an order dated 4-5-1979. It is alleged that while she was continuing in service, her services were terminated by the Branch Manager by an order dated 5-8-1988. It is alleged by the worker that the termination of service was not based on any charge sheet or allegations or after giving even a show cause notice. Since she had completed more than 240 days of continuous service, her service could have been terminated only by issuing notices and payment of compensation as required under Sec. 25F of the I.D. Act. Since the management had failed to comply with the statutory provisions, the termination effected in her case is null and void and therefore she is entitled for a reinstatement with benefit of back wages.

3. In the counter statement filed by the management a preliminary question has been raised regarding the very status of the worker concerned. According to them the worker in this dispute was never engaged as a 'workman' who would come within the definition of Industrial Disputes Act. If she does not come within the definition, this dispute itself is not maintainable. The worker accepted the agency for Pigmy deposit on commission basis and she was not employed in the Bank either as Clerk or Subordinate Staff. She was one of the Pigmy agents of the Cochin main branch and her services were terminated on 5-8-1988 only in terms of the contract of agency. As per the agreement she was bound to make regular collection of Pigmy deposit from the account canvassed by her and to render proper account details to Bank everyday. In case on any kind of inability, she had to make alternative arrangement for the Collection after obtaining prior permission of the Manager of the Bank. But the concerned worker in this dispute failed to carry out many of the contractual terms and because of that several inconveniences and hardships were caused to the customers of the Bank. Frequent notices inviting her attention to several violations, she did not care to respond the notice in a proper manner. In that circumstance by invoking Clause 7 of the agreement, the agency given to her was revoked and she was intimated about the termination by registered post. Such action on the part of the Branch Manager was to protect the interest of the customers of the Bank and the Bank itself. Only if she was working as an employee of the Bank, for the lapses, disciplinary action could be taken. Even assuming that the action of the management in revoking the agency was wrong, the remedy for her would have been to approach a Civil Court for the enforcement of the contractual right and for damages. In that count also this dispute is not maintainable. Therefore management contends that in view of the fact that there was no employer-employee relationship and no earning of wages or salary by her and her engagement was not in any way connected with the Banking Recruitment Rules, the worker concerned is not entitled for any relief from this Tribunal. So long as she was not a 'workman' as defined in the Industrial Disputes Act, there was no need at all to comply with provisions contained in Sec. 25F, 25G

and 25H of the I.D. Act. The termination of her service was only after the violation of agency agreement and therefore for no relief the worker is entitled. They are also relying on Sec. 50 of the Banking Regulation Act to canvass the position that deposit collectors are being paid only commission on the basis of the collections made and remitted in the Bank and because of that work arrangement, they will not become members of the staff in the Banking Company.

4. Both sides adduced oral and documentary evidence. On the side of management, the letter of appointment given to the worker was produced and that is Ext. M2. That contains the terms and conditions of appointment. Ext. M2 is a stereotype form of appointment through which the worker was appointed as an agent for Adarsh deposit on 4-5-1979. It shows that she was not appointed as a Pigmy Collector but as an Adarsh Deposit Collector. What exactly the difference between the Adarsh and Pigmy deposit is not explained anywhere in the statement of the management. It appears from Ext. M2 that the terms and conditions for appointment for both types of agencies are the same. The Clause 6 of the Ext. M2 order says that the worker shall be an agent for collection of Adarsh deposit and not for any other purpose. Regarding the nature of work to be done by her it is stated in Clause 2 that the worker shall in conformity with the office procedure laid down from time to time render proper account of the deposit collected by her and the same must be paid to the branch at commencement of business hours on the next working day with a statement of account and the corresponding Adarsh counter foils signed by the Depositors. Such cards shall have to be written and completed by her and got verified and checked by the Manager or any other member of the staff authorised by the Manager of the branch. She was bound to use only the deposit cards officially entrusted to her by the branch bearing the signature of the officers. Clause 3 of the Ext. M2 order further says that she will be paid a commission of 3% on the total collection made by way of deposit separately in every month. It was also obligatory for her to make collection from at least 30 depositors every month. By way of security she had to furnish to the Bank an amount of Rs 500 and it is refundable on cessation or termination of agency. With these facts which are brought out in evidence, we will have to evaluate the contentions of both sides.

5. The management bank in this dispute raised a preliminary objection against the very maintainability of the dispute. According to them a deposit Collector who was appointed in terms of Ext. M2 order will not come under the definition of "workman" as defined in the I.D. Act and therefore any dispute relating to such person cannot be treated as an industrial dispute. Whether a person who had been rendering service to an employer establishment on commission basis can be treated as a workman or not was subject to judicial scrutiny by various higher Courts including the Supreme Court.

6. The term 'workman' is defined in the I.D. Act as a person who is employed in any industry to do any manual, unskilled, skilled, technical, operational clerical or supervisory work for hire or reward whether the terms of employment be expressed or implied. Here, in this case, the work of a deposit collector is for reward at the rate fixed in Ext. M2 order. As a deposit collector the worker has to do operational or clerical work connected with the job entrusted to her. Merely because she was receiving commission on pro rata basis with reference to the total amount collected, she will not go out of the purview as contended by the management. The work which has to be done is strictly as per the terms of appointment and under the control of the Branch Manager. In *State of Assam v. Kanak Chandra Dutta* (1968 (1) I.L.J. 288) the Supreme Court held that remuneration could be by way of commission or collection also. It was held that the post outside the regularly constituted service need not necessarily carry "a definite rate of pay" and it can be by way of a commission or collection of Government dues also. Therefore the position is that even if a commission is received for the service rendered, that will be termed as hire or reward within the meaning of Sec. 2(s) of the Industrial Disputes Act defining the term "workman".

7. Now let us see the nature of work to be done by the worker concerned. She had to make deposits from the

customers to the Bank regularly in accordance with the mutually agreed terms and conditions. She had to render true and correct account of the deposit collected. The deposit collected shall be accounted at the specified branch on the next working day itself. She had to use Bank stationery for all work connected with deposit collection. She had to maintain the register regarding the collection which has to be duly verified by the Branch Manager or the authorised Officer. Therefore the position emerges is that in a different method or working arrangement, deposit collections are being made by the Bank. Instead of customers directly coming to the Bank and making deposit, the Bank itself through their agents like Pigmy deposit collectors goes to the customers and receive deposits. No doubt, that is for and on behalf of the Bank. Such kind of arrangement itself is to attract customers and to achieve maximum deposits from the willing depositors. Therefore the nature of work which had been done by these agents is almost identical with the works which are performed by the official of the Bank. But the only difference is that the deposits are accepted outside the premises of the Bank. In view of this arrangement for mobilising maximum deposit, the persons rendering service for such deposit mobilisation are also to be treated as part of the establishment. Only difference is that when regular staff are assured on regular hire or reward every month, this deposit collectors are entitled for remuneration only on the basis of the quantum of work done and the gain achieved out of that. Merely because they are not rendering service to the Bank in a systematic and regulated atmosphere, it cannot be said that they are not rendering service for hire or reward for work connected with the work of the establishment. Therefore I hold that this Adarsh Deposit Collectors will also come under the definition of 'workman' as defined in the I.D. Act. The learned counsel for the worker had brought to the notice of this Court a Judgment of the Madras High Court in *Management of Indian Bank v. Industrial Tribunal, Madras* and another (1990 (1) I.L.J. 50). In that case the issue raised was also identical. Instead of Adarsh Deposit Collector, the case of a Tiny Deposit Collector was subject to litigation. The Division Bench of the Madras High Court held that the Tiny Deposit Collector will come under the definition of 'workman' and therefore they are entitled for protection as envisaged in the I.D. Act. Since the facts are identical and terms and conditions for appointment are also similar, the rationale laid down by the Madras High Court can be safely applied in the case on hand also.

8. Since it is held that the worker concerned is entitled for protection of the I.D. Act, now the question to be resolved is whether the termination of her service was in accordance with the provisions of the I.D. Act. The management's case is that her service was strictly in accordance with the terms of contract of employment. It is alleged in the written statement of the Management Bank that agency had to be terminated on account of her negligence and dereliction of duty. But the termination order Ext. W2 does not contain any such allegation. It is only stated therein that the Pigmy Agency was terminated with immediate effect. That order is dated 5-8-1988. The appointment Order Ext. M2 is dated 4-5-1979. It is evident from Ext. W2 and Ext. M2 that for about 11 years she was working as the deposit collector in the Bank. So long as there is no case of the management bank that she does not have 240 days of continuous service in the year immediately preceding the date of her termination, it can only be held that she had satisfied all conditions for getting the terminal benefit as contemplated in Sec. 25-F of the I.D. Act. Evidently and admittedly before effecting termination in her case, none of the formalities contemplated in the I.D. Act were complied with by the management bank. Therefore the termination effected in her case can only be held as invalid and inoperative. She is entitled to continue in service till she is validly terminated in accordance with the provisions contained in the I.D. Act. As a consequence of the declaration that her termination was illegal she is entitled for full rate of wages for the period in which she is illegally kept out of service. For the purpose of calculation of her monthly wages the average wages/commission she was getting in a month immediately preceding the year to the date of termination shall be taken into account. From the pleadings of the management it is evident that her services were terminated on account of the dereliction of duty and unauthorised absence etc. If there was such irregularity on

the part of the worker it would have been appropriate to issue at least a show cause notice before terminating the service. Having not done anything on that behalf, the contention of the management that the termination was strictly on the basis of contract of agency cannot be accepted.

9. In the result an award is passed holding that the termination of service in the case of worker concerned is illegal and unsustainable. She is entitled to continue as Adrash Deposit Collector in the same terms and conditions as envisaged in Ex. M2 till her services are validly terminated. The backwages in her till the reinstatement shall be calculated in the manner as indicated in previous paragraph of this award.

(Dated this the 18th day of July, 1994.)

K. KANAKACHANDRAN, Presiding Officer

APPENDIX

(I.D. No. 17/92)

Witness examined on the side of the Management :—
MWJ. H. N. Kamath.

Witness examined on the side of the Worker :—
WWJ—G. Sasikala.

Exhibits marked on the side of the Management :—

M1.—Letter dated 20-1-1979 from G. Sasikala.

M2.—Copy of Appointment Order dated 4-5-1979.

M3.—Agreement dated 4-5-1979.

Exhibits marked on the side of the Worker :—

W1. Certificate dated 4-11-1989 from Dr. P. Nanda Kumar, Orthopaedic Surgeon, Medical Trust Hospital, Tirunakulam.

W2.—Termination order dated 5-8-1988 issued to Smt. Sasikala.

W3.—Letter dated 22-8-1989 from the Manager, Syndicate Bank of Smt. Sasikala.

नई दिल्ली, 17 अगस्त, 1994

का. आ. 2156.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ महाराष्ट्र के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण सं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-94 को प्राप्त हुआ था।

[संख्या एन-12012/72/92-आई. आर. बी. -II]
बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 17th August, 1994

S.O. 2156.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 2 Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 17-8-94.

[No. L-12012/72/92-IR (B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse,
Presiding Officer.

Reference No. CGIT-2/40 of 1992

Employers in relation to the Management of Bank of Maharashtra.

AND

Their Workmen

APPEARANCES :

For the employers : 1. Shri R. G. Londhe.

2. Shri R. M. Samudra : Representatives.

For the workmen : Shri Vinayak D. Karmakar : Representative.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, dated the 11th August, 1994

AWARD

1. The Government of India, Ministry of Labour, New Delhi by their order No. 12012/72/92-dated 24th June, 1992 referred the industrial dispute under section 10 of the industrial Disputes Act, 1947 to this tribunal for adjudication as reference in the following words :

"Whether the action of the Management of Bank of Maharashtra in relation to its Karad Branch, in stopping payment of TA/DA being paid to the employees sent on deputation to Saidapur Branch since the opening of Saidapur Branch is justified? If not, what is the relief to which the workmen are entitled?"

2. After receipt of the reference the concerned parties were duly served with the notices. They appeared. The Bank of Maharashtra Karamchari Sangh, took adjournments for filing their claim.

3. On August 8, 1994 The General Secretary Bank of Maharashtra Karamchari Sangh filed purshis at Exh. W-2 in the following words :

"Without prejudice to the principle stands taken in the instant matter, the Union is willing to close the instant dispute as the concerned staff Shri Y. D. Joshi, has resigned the membership of this Union. Hence it is prayed that the instant dispute may kindly be treated as closed".

The management had no objection for the same.

3. In view of the purshis at Exh. W-2 the industrial dispute which was raised by the Bank of Maharashtra Karamchari Sangh is no more. There is no claim. Under such circumstances I pass the following Award.

AWARD

1. The industrial dispute which was sent for adjudication is disposed of for want of prosecution.

2. No order as to cost.

11-8-94.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 अगस्त, 1994

का. आ. 2157 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ महाराष्ट्र के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिकरण सं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-94 को प्राप्त हुआ था।

[संख्या एन-12012/176/92-आई. आर. बी. -2]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 17th August, 1994

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL No. 2, AT BOMBAY

Ref. No. CGIT-2/58 of 1992

BETWEEN

Bank of Maharashtra

.. Party I

AND

Their Workmen

.. Party II

May it please this Hon. Tribunal

Compromise Purshis on behalf of the parties to the above
dispute is as under :1. That the Central Government has referred the following
dispute to this Hon. Tribunal for adjudication :

"Whether the action of the Management of Bank of Maharashtra in treating Smt. Mangala Pujari as having voluntarily abandoned her services with the Bank is justified ? If not, what relief the workman is entitled to ?"

2. That the parties to the above dispute had discussions to settle the issue amicably and had arrived at the compromise terms as stated hereinbelow :

(a) That the party I has agreed to reinstate Smt. Mangala Pujari the workman concerned with prospective date, on the scale and wages which were being drawn at the time of termination of her services from the Bank.

(b) That the party I will issue an offer to the workman concerned for reinstatement within 3 weeks at any of its branches/offices within its Jalgaon Region and the reinstatement will be effective from the date the concerned workman employee reports to the place of posting after acceptance of such offer.

(c) That in view of the sympathetic consideration by the party I to reinstate the workman concerned, the party II has, with the consent and authority of the concerned workman, agreed to relinquish all the claims of back wages and any other service benefits of whatsoever nature for the entire period from the date of her termination i.e. 2-1-1991 till the date of her reinstatement that would be as per (b) above save those which have been specifically agreed to be granted by the Party I as detailed hereinbelow. The Party II has, with the consent and authority of the workman concerned, specifically agreed that the entire period from 2-1-1991 till the date of reinstatement shall not be counted for seniority, increments, promotion, leave, hospitalization, reimbursement Leave fare concession or any other consequential benefits.

(d) That the leave balance, if any, as on the date of termination will be made available to the concerned workman. The next increment shall be released only after satisfactory completion one year service by the concerned workman on reinstatement and accordingly the due date of the future increments shall be changed. The workman concerned shall be granted medical aid for the years 1991, 1992, 1993 and 1994 as a special case.

(e) The period from 2-1-1991 will however be taken into consideration for superannuation benefits.

(f) That the party II, with the consent and authority of the workman concerned, has agreed that after the reinstatement, the workman concerned shall render services with the party I regularly and devotedly.

Both the parties agree that the instant dispute stands settled fully and finally on the above mentioned compromise terms and conditions which shall be binding upon the parties and no dispute upon the same shall be made at any time in future. The parties also agree to bear their respective costs of this dispute.

S.O. 2157.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 17-8-1994.

[No. L-12012/176/92-IR (B II)]

Y. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2/58 of 1992

Employers in relation to the Management of Bank of Maharashtra

AND

Their Workmen.

APPEARANCES :

For the Employers—(1) Shri R. G. Londhe

(2) Shri R. M. Samudra Representatives.

For the Workmen—Shri Vinayak D. Karmakar Representative.

INDUSTRY : Banking STATE : Maharashtra
Bombay, the 3rd August, 1994

AWARD

1. The Central Government by its Order No. L-12012/176/92-IR (B-II) dated 9-10-92 referred the following industrial dispute for adjudication under section 10 of the Industrial Dispute Act.

2. "Whether the action of the Management of Bank of Maharashtra in treating Smt. Mangala Pujari as having voluntarily abandoned her service with the Bank, is justified ? If not, what relief the workman is entitled to ?"

3. The notices were duly served to the parties. The Secretary of the Union filed a statement of claim alleging how the action of the Management is not justified.

4. The Management in response to the claim filed a written statement at Exh. M-3 denying the contentions taken by the claimant. It justifies the action.

5. On June 27th, 1994 the Union filed its rejoinder at Exh. W/5.

6. On August 1st, 1994, when the Tribunal was sitting at Pune, an application was moved by the parties requesting the Tribunal to take the matter on the board as it has compromised. They filed a compromise at Exh. MW/7 which was read over to the parties and they agreed to the terms of the compromise.

7. In view of the above said compromise, the dispute stands settled on the terms of the compromise as per Exh. MW/7. Hence I pass the following Award.

AWARD

In view of the compromise between the parties, the dispute which is sent for adjudication is settled as per the terms at Exh. MW/7 it is to be formed as a part of the Award.
Dated : 3-8-1994

S. B. PANSE, Presiding Officer

The Hon. Tribunal is requested to pass an award in terms of above compromise terms and conditions.

Sd/-
Dy. General Manager
(Personnel)
Bank of Maharashtra
Party I

Sd/-
General Secretary
Bank of Maharashtra Karamchhari Sangh
Party II

I have understood the above compromise terms and conditions and those have been drawn with my free and full consent. Those terms and conditions are acceptable to me and shall be binding upon me.

Sd/-
Smt. Mangala Prakash Pujari
(The workman concerned referred hereinabove)
Dated : 1st August, 1994
Place : Pune.

नई दिल्ली, 17 अगस्त, 1994

का. आ. 2158.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबन्धन के संवद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण में, 2, दफ्तरी केपवत को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-94 को प्राप्त हुआ था।
[संख्या एल.-12012/153/89-डी. 2 (ए) /आई. आर. (बी. 2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 17th August, 1994

S.O. 2158.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 17-8-1994.

[No. L-12012/153/89-DII(A)]IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.
Reference No. CGIT-2/37 of 1989

Employers in relation to the management of Central Bank of India.

AND

Their workmen.

APPEARANCES :

For the Employers.—Shri V. S. S. P. Sarma — Representative.

For the workmen.—Shri N. A. Kulkarni, Advocate.

INDUSTRY : Banking STATE : Maharashtra
Bombay. dated 28th July, 1994

AWARD

The Central Government by its Order No. L-12012(153)/89-D.II(A) dated 30-8-1989 referred the following industrial dispute under Section 10 of the Industrial Disputes Act, 1947 for adjudication :

“Whether the action of the management of Central Bank of India, in relation to its Bhawani Peth Branch, Pune in terminating the services of Shri R. D. Bajare, a sub staff working in Bhawani Peth Branch, Pune w.e.f. 15-9-1984, is justified? If not, to what relief the workman is entitled?”

2. Shri R. D. Bajare, was working in Central Bank of India Branch situated at Bhawani Peth, Pune between August, 1982 to October 1984. His working days were for more than 500 days in that period.

3. The Managers of the Bank have certified his knowledge to work as a Peon and character as good. On 9-8-1985 he made an application to the management requesting them to appoint him full time peon as he was terminated from service on 15-9-1984. He also made oral request to the management but it fell on deaf ears.

4. Shri Bajare, thereafter approached the Assistant Labour Commissioner (C), Pune for seeking justice. The conciliation proceedings were started. The management gave an offer to employ him on 13rd pay scale as a part-time Safai Karamchhari. As the offer was not proper and illegal he did not accept the same.

5. The Union of the Bank noticed that casual workers at various offices of the Bank were terminated. It is, therefore, a discussion was held between the management and the union. It was resolved that those casual workers who have completed 240 days before 18-8-1984 will be absorbed as availability of vacancies and those who have completed 240 days on or before 18-8-1984 will be given preference in the recruitment. But the management did not absorb the workman Shri Bajare as per the resolution and had committed a breach of agreement.

6. The applicant Shri Bajare prays that he may be reinstated in the services of the Bank at his original post with full back wages and continuity of service together with all consequential benefits. He also prayed that he may be absorbed in the Bank's services on a permanent basis with retrospective effect from 15-9-1984.

7. The management by its Written Statement Ex. M-3 opposed the claim on many grounds. It is pleaded that the reference has been made on the presumption that the workman was in the employment of the

Bank and the Bank had terminated his services which is incorrect. He was working on purely daily wages when work was available on account of absence of a regular employee. He did so till October, 1984 and suo moto stopped coming to the Bank. The Bank never terminated his services.

8. It is averred that part-time vacancy occurred in the Regional Office of the bank an offer was made to the workman. At the time of interview it was revealed that requisite educational qualifications are not possessed by him. Therefore, he could not be selected. Thereafter, on 26-7-1988 the workman made representation to appoint him as a peon and not any time before that. It is pleaded that as the services of the workman were not terminated no relief can be passed by the Tribunal. There is no legal obligation on the bank to absorb him.

9. On 15-9-1984 the workman has not made any demand with the bank and which was made for the first time on 26-7-1988. This demand is not covered under the Industrial Disputes Act as it is not related to discharge, dismissal, retrenchment or termination of service of the workman. As such the relief claimed cannot be granted to him.

10. In a rejoinder which is filed by the workman at Ex. W-4 it is contended that as the workman was retrenched without giving any benefits he is entitled for those benefits. It is averred that the workman had completed 240 days before 18-8-1984 and as such he is to be absorbed in the bank as a peon as he was doing duties of the peon at a relevant time.

11. My predecessor framed Issues at Ex. 5. The Issues and my findings thereon are as follows :

Issues	Findings
(1) Whether the workman Shri R.D. Bajare himself stopped attending to his duties in the Bank after October, 1984 ?	No.
(2) Whether the Bank had terminated the services of the said workman in October, 1984 ?	Yes.
(3) Whether the workman himself refused to accept the Bank's offer for further employment ?	Yes, as it was not proper.
(4) Whether the workman is entitled to the full time employment with the Bank and if so, from what date ?	Yes, from 26/7/88.

- | | |
|--|---|
| (5) Whether the action of the management of Central Bank of India, in relation to its Bhawani Peth Branch, Pune in terminating the services of Shri R.D. Bajare, a sub-staff working in Bhawani Peth Branch, Pune w.e.f. 15/9/1984, is justified ? | Yes, but as per the discussion between the management and union he is to be employed. |
| (6) If not, what relief the workman is entitled to ? | Employment from 26/7/88. |
| (7) What Award ? | As per final Award |

REASONS

12. To Bolster up the case the workman has examined himself and one Shrikrishna Srinivas Thanedar who was the Manager of the Central Bank of India of that branch at a relevant time. So far as the management is concerned one D. R. Jagtap who was Manager of that branch for some period is examined alongwith one Shri Shripad Apparao Kulkarni, the Accountant who prepared the vouchers for payment of wages to the workman Shri Bajare. Both the parties have also filed necessary documents to substantiate their contention.

13. Shri R. D. Bajare, was admittedly working on daily wages in Central Bank of India, Bhawani Peth, Pune branch from August, 1982 to 1984. He was given certificate dated 16-7-1984, (Ex. W-10) and 2-1-1985 (Ex. W-11) by the Branch Managers of his branch. It is pertinent to note that both these Branch Managers, one of them is Shri Thanedar in categorical terms has stated that Shri Bajare works on daily wages giving him periodical breaks. They have also certified that Shri Bajare was very punctual, hard worker and he has good knowledge of banking work. He takes keen interest in his work and his behaviour is good. It is also certified that wherever he is appointed he will do the best. These certificates clearly go to show that he is capable of carrying out the duties of the peon in Bank.

14. Shri Shrikrishna Thanedar had affirmed that Shri Bajare was working in the Bank from 10.00 a.m. to 5.30 p.m. He was doing the work of taking out the books and the ledgers from the cupboard and to hand them over the clerks, to carry the voucher from clerks to officers and to go to the post office for telegram works. That clearly goes to show that he was doing the work of the Peon of the Bank. Even then he was on daily wages. Shri D. R. Jagtap and Shri Shripad Kulkarni the witnesses of the management nowhere stated that Shri Bajare was incapable of carrying out the work of the Peon of the Bank. It is, therefore, very clear that the capacity of Shri Bajare to work as a Peon is beyond doubt.

15. Shri Bajare and Shri Thanedar emphatically denied the suggestion that he worked only for 2 to

3 hours, as against that Shri Jagtap and Shri Kulkarni, the witnesses of the management asserted that he worked only for 2 to 3 hours a day. It is admitted position that there is no record to show that how much hours work is carried out by a person who is appointed on daily wages. Shri Kulkarni has proved the vouchers which are at Ex. M-7 and Ex. M-8 which goes to show that Shri Bajare was paid daily wages at the rate of Rs. 8 and Rs. 12 per day at different times. At Ex. M-6/6 the management had produced a statement showing that in the year 1982, 1983, 1984 Shri Bajare worked for 97 days, 261 days and 188 days respectively. For the year 1982-83 he was paid at the rate of Rs. 8 per day and in the year 1984 at the rate of Rs. 12 per day. He was appointed as a casual temporary because of the shortage of the staff. They had also given the details of the working days in a week in those years. It is not in dispute that on holidays and on Sundays Shri Bajare, did not work nor any wages were paid to him.

16. It is tried to bring on the record Shri Bajare, on his own accord stopped coming to the Bank for the reasons best known to him. This appears to be incorrect on the basis of the statement of Shri Jagtap the witness for the management. He affirmed orally that they terminated the services of the workman from 15-9-1984, at that time no amount was paid to him as retrenchment compensation or wages in lieu of notice to him. No domestic enquiry was held against him before the termination of service. Shri Bajare admits that he was orally appointed. There was no appointment letter nor his name was appearing on the muster roll. Under such circumstances the claim of the workman that he is entitled to retrenchment compensation or wages in lieu of notice cannot be accepted. It is very clear that Shri Bajare was asked to work as a daily wages person and was not in a permanent or temporary employment of the Bank. Shri Bajare denied the suggestion that he voluntarily stopped attending to his duties in the Bank after October, 1984. From the testimony of Shri Jagtap it is very clear that Shri Bajare did not stop on his own accord but his services were terminated orally by Shri Jagtap.

17. That takes me to another point regarding refusal of workman Shri Bajare of the offer which was made by the management. Ex. M-6/1 is the letter addressed to Shri Bajare inviting him for an interview for part-time Safai Karmachari. When he was called it was noticed by the Bank that he did not possess requisite educational qualification to appoint as a Peon. He had not passed the X std. examination. I do not find any merit in this because he was already giving the services like that of the peon and which were certified by the Branch Managers. It can be further seen that in view of the Issue No. 16 which was discussed between the management and the union it was decided to recruit the casual workers who had worked for more than 240 days before 18-3-1984 on availability of the vacancies and those who have completed 240 days on or after 18-3-1984 will be given preference in recruitment. From the certificate issued by the management which is at Ex. M-6/6 till 1984 he completed 546 days. In other words he had complied

the requisite condition for getting the employment as per availability. It can be further seen that the resolution does not speak of having a educational qualification as suggested by the management.

18. The management had given offer to appoint Shri Bajare before Assistant Labour Commissioner (C), at the time of conciliation proceedings. The terms of the offer are at Ex. M6/2 which states that the management is agreeable to appoint Shri Bajare in the Bank's service as part time Safai Karmachari on 1st 3rd scale of wages on different terms. By that what he was to gain was Rs. 386.22 p. instead of Rs. 312 per month. In fact he was eligible for absorption on a permanent basis in view of other circumstances which I have discussed above. It is, therefore, the offer was rightly rejected by Shri Bajare as it was not proper.

19. Shri Jagtap, Shri Kulkarni the witnesses of the management affirmed that the work which was carried out by Shri Bajare was of giving water, cleaning tables, sweeping the office, and preparing tea etc. As he was a daily wages worker it was quite possible that he might be doing that work. But so far as the working hours are concerned I am not inclined to accept the testimony of Shri Jagtap and that of Shri Kulkarni in view of the deposition of Shri Thanedar. It is also tried to suggest that in the vouchers there is no mention of hours, nor there is any other record showing how much hours he worked. The fact that he was paid daily wages at the rate of Rs. 8 and Rs. 12 and he accepted the same. It has to be presumed that he was not working for full hours as the peon of the Bank works. His working hours must be varying from day to day requirements. It is not in dispute that in Banks persons are appointed on daily wages for carrying out the necessary work of cleaning, sweeping and other work of the peon if somebody goes on leave or due to the heavy work. It appears that Shri Jagtap asked Shri Bajare the workman not to come to work as there was no work. It is, therefore, cannot be said that stopping Shri Bajare for coming for work, in other words terminating his services which were of daily wages cannot be said to be improper and can be said to be justified. But at the same time it has to be seen that in view of Issue No. 16 which was discussed between the management and the Union on 17-3-1989 (Ex. W-9/7) as Shri Bajare completed 240 days prior to August, 1984, he is to be absorbed as availability of vacancies. For that purpose there should be an application of Shri Bajare to that effect. In the claim there is a reference of an application dated August 9, 1985 by him to the management. But there is no record to show that such application was sent by Shri Bajare to the management and it received the same. Thereafter Shri Bajare made a representation to the Assistant Labour Commissioner (C), when the conciliation proceeding started before him. It was held on 30-10-1988 but the matter could not be settled. Then the Assistant Labour Commissioner (C) sent a failure report to the Secretary of Government of India, Ministry of Labour on 30-12-1988. The management accepts that demand for getting an employment was made by Shri Bajare on 26-7-1988. This is so affirmed by

Shri Jagtap. So far as Shri Bajare is concerned, in his affidavit they had not affirmed nor proved that he had made an application on 9-8-1985. The management had not affirmed that there was no vacancy to be given to Shri Bajare on 26-7-1988. In view of the earlier discussions Shri Bajare is to be absorbed and in availability of vacancies as he had completed 240 days on or before 18-8-1984.

20. It is tried to argue on behalf of the workman that the oral termination is contrary to law. In fact Shri Bajare was not appointed with an appointment letter, he was a daily wages worker, it is therefore, the oral termination is just and proper.

21. The management tried to argue that Shri Thanedar the then Branch Manager who supported the case of the workman Shri Bajare cannot be relied upon as he had deposed in vengeance against the management and a departmental enquiry was held against him. I am not inclined to accept this submission because in the departmental enquiry he was not found guilty nor there is any record to show that he was warned at that time. Under such circumstances I do not find any difficulty in accepting the testimony of Shri Thanedar which has support from other documents. The management tried to argue that he did not work as a peon but worked as a safai karmchhari. I am not inclined to accept this submission. At the most it can be said that Shri Bajare was working in dual capacity i.e. Safai Karmachari along with the work of the Peon of the Bank.

22. It is argued on behalf of the workman that he is to be appointed from October 1984 with full back wages and interest thereon. I am of the view for the abovesaid reasons that he is to be appointed from 26-7-1988. As the amount of the workman was blocked by the management he is naturally entitled to interest @ 9 per cent per annum.

23. It can be further seen that the settlement between the management and the Union took place on 27/28-3-1989 i.e. after the reference was made. Naturally, the workman is entitled to the benefit which was accrued to him by the settlement. In the result I record my findings on the Point accordingly, and pass the following Award.

AWARD

- (1) The action of the management of Central Bank of India in relation to its Bhawani Peth Branch, Pune in terminating the services of Shri R. D. Bajare, a sub-staff working in Bhawani Peth Branch, Pune w.e.f. 15-9-1984 is justified.
- (2) In view of the abovesaid discussion the management is directed to appoint Shri Raghunath Dyanoba Bajare in a permanent employment as a workman from 26-7-88 within three months from today.
- (3) The management is also directed to give him all monetary benefits accruing from that date alongwith 9 per cent interest per annum on the amount which falls due till today.

(4) The management is to make the payment of due amounts with interest thereon within three months from today.

(5) No order as to costs.

S. B. PANSE, Presiding Officer

नई दिल्ली, 17 अगस्त, 1994

का. आ. 2159.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-94 को प्राप्त हुआ था।

[संख्या एन—12012/609/87-डी. 2 (ए) / आई. आर. (बी. 2)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 17th August, 1994

S.O. 2159.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workmen, which was received by the Central Government on 17-8-94.

[No. L-12012/609/87-DII(A)IR(B.II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY PRESENT :

Shri S. B. Panse—Presiding Officer.

REFERENCE NO. CGIT-2/19 OF 1988.

PARTIES :

Employers in relation to the management of Dena Bank.

AND

Their Workmen.

APPEARANCES :

For the Employers : Shri R. S. Pai, Advocate.

For the Workmen : Shri M. B. Anchan Advocate.

INDUSTRY : Banking. STATE : Maharashtra.

Bombay, dated the 29th July, 1994.

AWARD—PART-II

1. My Learned Predecessor by his award Part-II dated 24-4-91 came to the conclusion that the domestic enquiry which was held against the workman Shri K. C. Khedkar is proper. The principles of natural justice were not violated and it was held as per the

norms laid down in Bipartite settlement. It also came to the conclusion a proper opportunity was given to the Workman by the Enquiry Officer.

It also observed that the findings of the Enquiry Officer are correct. These findings were given by the Presiding Officer while answering the Issues Nos. 1 to 4.

2. Now I have to record my findings on remaining issues. The issues and my findings are as follows.

ISSUES	FINDINGS
5. Whether the action of the management of Dena Bnk in dismissing from service Sri Kashinath C. Khedkar was justified.	NO
6. If not, to what relief the Workman entitled?	
7. What Award?	As per Award below. As per Award below.

REASONS

3. It is argued on behalf of the workman that there is no specific charge for negligence in the chargesheet. I do not find any merit in it. Further more that question is over as my predecessor had given findings on issue no. 3 in the negative. The issue is 'Whether the findings of the Enquiry Officer that the workman committed gross negligence causing financial loss to the bank is perverse and bad in Law'.

4. From the record it is clear that due to the gross negligence the Bank has suffered loss of Rs. 40,000. It can be very well said this is very huge amount. Now it is to be seen the punishment awarded by the Bank which is of dismissal is harsh and whether lesser punishment can be awarded to him. It is argued on behalf of the workman that when he was working at different branches, when he received excess amount he had returned to the concerned consumers. But for that there is no documentary evidence. The Management has denied it. As this is so I am not inclined to accept this submission.

5. It is the contention of workman that the Dena Bank has discriminated against him in awarding the punishment of dismissal from service. He had cited four instances of similar offences committed by the workman of the Bank wherein the Bank had awarded lesser punishment to the employees. The workers were 1. Lalit N. Vyas, P. A. Solanki and 3. T. D. Naik.

6. In the case of T. D. Naik the Enquiry Officer gave a finding that the charge of misappropriation was not proved against him. The amount was Rs. 1,385 he was found guilty of misconduct. He was dismissed from the service but in the conciliation proceeding the Bank agreed to reinstate Mr. Naik in service after awarding lesser punishment of stoppage of 3 annual increments with cumulative effect.

7. So far as the case of Mr. Vyas is concerned he was working at Baroda. He was chargesheeted for damage to the property of Bank and customers and doing an act prejudicial to the interest of the Bank. He was Typist-cum-Clerk. He admitted his guilt, the Bank imposed him punishment of stoppage of 4 increments with cumulative effect.

8. So far as P. A. Solanki is concerned he was Cashier-cum-Clerk. He was charged for misappropriation of Bank's fund of Rs. 27,000 and for committing an act prejudicial to the interest of the Bank and/or for gross negligence. He was found guilty by the E.O. but the appellate authority imposing punishment of stoppage of 4 increments with cumulative effect.

9. In the Reference which are made above it can be seen that the Bank was put to monetary loss and in those cases the punishment was awarded which is of a lesser nature. But it can be also seen that facts of those cases cannot be equated with the case of the present workman. There are always some difference in facts leading to different types of punishments. Here in this case the workman is a Head Cashier holding a responsible position. It can be further seen that the E.O. had observed that on 20-1-1981 Shri K. C. Khedkar was alone incharge of single lock cash independently and due to his gross negligence or want of a proper care the Bank has suffered loss of Rs. 40,000 for which he himself is responsible. It is also observed that usually the cashiers have to write the denomination on each and every payment receipt and the lapse on the part of Shri K. C. Khedkar is really detrimental to the interest of the Institution as well as the cashier concerned. The instances which were given above shows that in the case of negligence the Bank had taken a lenient view and not of a dismissal.

10. Clause 19.6 deals with punishment to be awarded when a worker is found guilty under clause 19.5 (j) of the Bipartite Settlement. It states : An employee found guilty of gross misconduct may :

- Be dismissed without notice; or
- Bewarned or censured, or have an adverse remark entered against him; or
- Be fined; or
- Have his increment stopped; or
- Have his misconduct condoned and be merely discharged.

Normally, dismissal without notice is awarded when there is embezzlement or misappropriation or a fraud. Under such circumstances the punishment awarded appears to be rather harsh.

11. The workman has affirmed that after dismissal he tried to secure a job but could not succeed. He has a large family to maintain and he is put to difficulties. So far as the submissions are concerned they are not seriously disputed.

12. The Ld. advocate for the Management place reliance on :

- Martin Burn Ltd. V/s. R. N. Banerjee (1958 1 LLJ page 247 (S. C.))

(ii) Francis Klein & Co. Private Ltd., v/s. the workman (1971) 2 LLJ page 615.

(iii) Ludloo Jute Co. Ltd., v/s. Nand Kumar Singh (1981) LIC page 1304, Calcutta.

In these cases it is observed by the Supreme Court that dismissals for acts of negligence entailing serious damage, loss or consequences to the establishments of the employer. On the other hand reliance is placed on :

1. 1984 L.L.C. p. 7 S.C. Jaswant Singh v/s Pepsu Roadways Transport Corporation and another.
2. A.I.R. 1987 Supreme Court p. 104 Baldev Singh v/s. Presiding Officer, Labour Court, Patiala and another.
3. 1981 L.L.C. Himachal Pradesh High Court p. 356. Himachal Road Transport Corporation, Simla v/s. Presiding Officer, Labour Court, and another.

It is held that under section 11A of the I.D. Act the Tribunal can award a lesser punishment. It is also observed that the Tribunal on considering the harshness of the punishment in consideration of the nature of the charge directed reinstatement of the workman with continuity of service but without back wages.

There was also a further direction that the period of absence from service is to be treated as leave of the kind due and in case no leave is due, as leave without pay. It is further observed that the award of the Tribunal is in conformity with the provisions of Section 11A of the Act. There is no lack of jurisdiction or want of jurisdiction in making such an order.

13. In this case, there is a loss of Rs. 40,000 to the Bank, by removing the workman of his service the amount is not recovered. The contention of the workman that the Insurance Company has paid the amount is negated by the Management. In the claim the workman has contended that he is ready to make the payment of the loss which is caused to the Bank in instalments from his salary. While giving lesser punishment this has to be also taken in consideration.

14. For the abovesaid reasons I find that the punishment which is awarded to the worker is harsh one and lesser punishment is to be awarded to him. In the result I record my findings on the points accordingly and pass the following Award.

AWARD

1. The action of the Management of Dena Bank of India in dismissing from service Shri Kashinath C. Khedkar is not justified.
2. The workman is entitled to following reliefs.
 - (i) The workman is directed to make the payment of Rs. 40,000 a loss which is caused to the Bank within six months from today.

(ii) After the payment of management to appoint the workman and allow him to join at a given posting.

(iii) The Workman is not entitled to any back wages.

(iv) The absence period of the workman is to be treated as leave without pay.

3. No order as to costs.

S. B. PANSE, Presiding Officer.

नई दिल्ली, 17 अगस्त, 1994

का. आ. 2160.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबन्धकों के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 2, बम्बई के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-94 को प्राप्त हुआ था।

[संख्या एन-12012/207/91-आई. आर. (बी. -2)]

बी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 17th August, 1994

S.O. 2160.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Maharashtra and their workmen, which was received by the Central Government on 17-8-94.

[No. I-12012/207/91-IR(B).II] V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :—

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/46 of 1991

Employers in relation to the management of Bank of Maharashtra

AND

Their Workmen

APPEARANCES :

For the Employers :

1. Shri R. G. Londhe
2. Shri R. M. Samudra

Representatives

For the Workmen :

Shri Vinayak D. Karmarkar
Representatives

INDUSTRY : Banking STATE : Maharashtra
BOMBAY, dated 11th August, 1994

AWARD

1. The Government of India, Ministry of Labour, New Delhi by their order No. 12012/207/91-IR BII referred an industrial dispute under section 10 of the Industrial Disputes Act, 1947 to this Tribunal for adjudication as reference in the following words:

“Whether the action of the Management of Bank of Maharashtra in withdrawing the allowance of Telex Operator from Shri A. S. Puranik which has been paid to him since 27-4-1976 under varying circumstances of workload etc. is justified? If not, to what relief is/are the Workman entitled?”

3. After receipt of the reference the parties were duly served with the notices. The Bank of Maharashtra Karmachari Sangh filed its statement of claim, at Exh. W-2. It contended that the Workman was working as a Telex Operator and was paid the necessary allowances to that effect. Thereafter the allowances were withdrawn from April 27, 1976. This action of the Management is unjustified and uncalled for. It contended that the Worker Purnaik is entitled to continue as a Telex Operator at the Zonal Office at Aurangabad and with other allowances.

4. The Management opposed the statement by its written statement at Exh. M-3. It contended that the claim of the applicant is not justified. The Union wants the Worker to be there with a view that they should get necessary information which is of confidential nature from him. It also contended that a preliminary issue was framed in the matter, why the Union is interested in lowering the allowances for the post of a Telex Operator at the Zonal Office at Aurangabad when Shri Puranik is drawing higher allowance for the post of a Teller?

5. Thereafter the matter was adjourned for one reason or the other and ultimately on August 8, 1994, The General Secretary, Bank of Maharashtra Karmachari Sangh filed purshis that the Workman Shri Puranik has been allotted a higher allowance post than that of a Telex Operator as claimed under this reference. Under such circumstances the Union does not want to proceed with the matter. The Management has no objection for the same. Hence I pass the following Award.

AWARD

1. The Industrial Dispute is disposed of for want of prosecution.
2. No order as to cost.

S. B. PANSE, Presiding Officer

11-8-1994.

नई दिल्ली, 19 अगस्त, 1994

का. आ. 2161.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में केन्द्रीय सरकार इंडियन बैंक के प्रबन्धन के संबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण सभा के पंचद को प्रका-

शित करती है, जो केन्द्रीय सरकार को 18-8-94 को प्राप्त हुआ था।

[संख्या एल-12012/298/85-डी-II ए/आई.आर. (बो-2)]

बी. के. शर्मा, ईस्क अधिकारी

New Delhi the 19th August, 1994

S.O. 2161.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 18-8-94.

[No. L-12012/298/85-D-IIA/IR(B)-II]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,
TAMIL NADU MADRAS

Wednesday, the 27th day of April, 1994

PRESENT :

Thiru K. Sampath Kumaran, B.A.B.L.
Industrial Tribunal

Industrial Dispute No. 76/1986

(In the matter of the dispute for adjudication under Section 10(1) (d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Indian Bank, Madras).

BETWEEN

The Workman represented by
The General Secretary,
Indian Bank Employees Union.
25, Second Line Beach,
Madras-600001.

AND

The General Manager,
Indian Bank,
31, Rajaji Salai,
Madras-1.

REFERENCE :

Order No. L-12012/298/85-D(II)(A), dated 31-10-1986, Ministry of Labour, Govt of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 2nd day of September, 1993 upon perusing the reference, Claim and Counter Statement and all other material papers on record and upon hearing the arguments of Thiru S. Vaidyanathan, for Tvl. Row and Reddy, Advocates appearing for the Workmen and of Thiru R. Arumugham, for Tvl. Aiyar and Dolla, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

AWARD

This reference has been made for the adjudication of the following issue :

"Whether the action of the management of Indian Bank in relation to its Zonal Office, Madras, in terminating the services of Shri K. M. Srinivasan, Clerk-cum-Shroff with effect from 22-1-85 is justified ? If not, to what relief is the concerned workman entitled?"

2. The petitioner filed the following Claim Statement.—K. M. Srinivasan was working as Clerk-cum-Shroff in the Park Town branch of the respondent. By a letter dated 8-12-81 he was placed under suspension for the alleged acts of misconduct set out in the letter and was asked to explain. The allegation was that he was entrusted with the work of encashment of Postal Orders during 1980-81, and that he failed to credit a sum of Rs. 4,268 after encashing them. It was alleged that he had returned 91 postal orders of the value of Rs. 1,577 without encashing them. These postal orders allegedly related to the period from 18-8-80 to 21-1-1981. It was alleged that he remitted Rs. 4,270 into the Bank. The workman gave an explanation on 21-7-82 denying the allegations. The Bank issued charge sheet dated 9-8-82 alleging that the workman had committed a major misconduct by committing acts prejudicial to the interest of the bank. No document was produced at the enquiry to show that Srinivasan was incharge of the collection of Postal orders and that the Postal Orders were entrusted to him. Two documents showing the assignment of duties to the staff members were produced, which did not show that Srinivasan was incharge of collection of Postal Orders. It was proved that there were regular procedures prescribed by the Bank and that had to be followed in dealing with the postal orders. Bank had not maintained any registers for this purpose. Rani Publications did not complain of any loss. No records from the Postal department were produced to show that Srinivasan collected the amount for the postal orders. The Enquiry Officer merely proceeded on the oral testimony of Management's witnesses and relied upon the alleged confession, which was not in writing. Apart from the Manager's statement, there was no other witness corroborating the same. The Enquiry Officer gave a report dated 21-11-83 finding the workman guilty of the charges. The Disciplinary Authority proposed the extreme punishment of dismissal, and the workman gave a detailed reply. But the authority imposed the punishment of dismissal by the order dated 22-1-85. An appeal filed by the petitioner on 21-2-85 was rejected. The Appellate Authority hardly considered the objection and passed an order. The charges were vague and did not mention as to when the Postal Orders were entrusted to the employee. It is not mentioned under which Office order the entrustment of Postal Orders was made to the concerned. There was no corroboration for the alleged confession. The remittance of Rs. 4,270 by the workman in his saving bank A/c. cannot be connected to the so called misappropriation. The difference of Rs. 502.50 between the Statements of the Bank and Statement given by Rani Publications go to prove that there was no entrustment of the Postal Orders for collection to the workman. The punishment is shock-

ingly disproportionate. The unblemished past record of K. M. Srinivasan was not considered while imposing the punishment. Therefore, the order of termination of Srinivasan may be held to be illegal and he may be held entitled to reinstatement with full back wages and attendant benefits.

3. The respondent filed the following Counter.—During 1980-81, while K. M. Srinivasan was working as Clerk-cum-Shroff in the Park Town Branch, he was entrusted with the responsibility of collecting Postal Orders from the Post Offices. After collecting the money from the Post Office; he did not remit the amounts into the customer's account. To the Show Cause Notice, the employee replied on 21-7-82. Charges were framed against him under Charge Sheet dated 9-8-82 that he was entrusted with the collection of Postal Orders deposited by parties for credit of their accounts in the bank between 18-8-80 to 21-8-81, that he was entrusted with the collection of Postal Orders of M/s. Rani Syndicate and Rani Publications as per the list enclosed with the letter dated 8-12-81 of the Bank, that on 24-9-81, he had surrendered the credit vouchers prepared by him for the postal Orders earlier collected by him with the relative challans prepared by M/s. Rani Syndicate and Rani Publications for a total amount of Rs. 4,268 that on 24-9-81 he surrendered uncollected postal orders with a list and that he had not remitted Rs. 4,268 collected by him; and if the allegations are proved it will amount to temporary misappropriation, and an act prejudicial to the interest of the bank, a misconduct under Clause 19.5(j) of the Bipartite Settlement dated 19-10-1966. The Enquiry Officer held him guilty. The Disciplinary Authority concurred with the findings and gave the employee a personal hearing on 21-1-85, and dismissed him from service on 22-1-85 for proved misconduct. On Appeal by the workman, the Appellate Authority confirmed the punishment. The charge sheeted employee collected the Indian Postal Orders which were deposited by M/s. Rani Syndicate and M/s. Rani Publications for credit of their account but did not remit the sum of 4,268. He confessed to the Accountant and to the Manager on 17-9-81 and 21-9-81 respectively, that he had not remitted this amount into bank. On 24-9-81, he surrendered uncollected Postal Orders numbering 91, deposited by M/s. Rani Syndicate, the total amount of which is Rs. 1,577.

4. Each and every duty of the staff are not mentioned in the Office order, and all the works connected with a particular seat will have to be attended by the Staff. Therefore, the contention that the collection of Postal Orders duty was not mentioned in the Office order cannot absolve the employee from responsibility. MW1 before the domestic enquiry authority deposed that K. M. Srinivasan was entrusted with the responsibility of collection of Postal Orders during 1980-1981. He also identified the prepared vouchers and remittance challans prepared by the charge sheeted employee. The two documents produced by the employee were only general rules regarding the collection of bills. The normal practice in respect of the collection of Postal orders is to entrust it

to a particular staff who would go to the Post Office, receive the amount, and remit it to the customer's account. The employee has remitted Rs. 4,270 into his S. B. Account which is equal to the amount of Postal orders collected by him. The handwriting of the employee in challans and vouchers were also identified by the witnesses which shows that he has been collecting the postal orders, and no other employee was entrusted with this work. The fact that the employee surrendered 91 Postal Orders stating that he is unable to collect goes to prove that he was regularly collecting the postal orders, and that he was in possession of the postal orders. Having regard to the serious misconduct the punishment of dismissal was imposed. Therefore, an award may be passed holding the action of the Management in terminating the services of Srinivasan is justified.

5. Though the petitioner had questioned the fairness of the domestic enquiry at the time of the enquiry before this Court, the petitioner did not challenge the same and an endorsement has also been made on the claim statement that the petitioner does not challenge the propriety and fairness of the enquiry.

6. Therefore, the points that arise for consideration in this Industrial Dispute are :

1. Whether the respondent-bank entrusted the Postal orders as mentioned in the charge sheet, to the workman—K. M. Srinivasan for the purpose of collection?
2. Whether K. M. Srinivasan collected the amount and did not remit the sum of Rs. 4,268 ?
3. Whether the workman returned 91 Postal orders for the value of Rs. 1,577 without encashing them ?
4. Whether the petitioner is guilty of the misconduct as alleged?

7. Issues 1 to 4: The workman concerned in the Industrial dispute Thiru K. M. Srinivasan (hereinafter referred to as employee) was working as Clerk-cum-Shroff in the Park Town branch of the Indian Bank (Respondent). The charge against him is that while he was working as such, he was entrusted with the collection of Postal Orders deposited by parties for credit to their accounts with this branch, that on various dates from 18-8-80 to 21-1-81, he was entrusted with the collection of Postal Orders deposited by M/s. Rani Syndicate and M/s. Rani Publications as per the lists sent to the employee with letter of the respondent dated 8-12-81 (Ex. W-1), that though he had collected the sum of Rs. 4,268 he had not remitted the sum into the bank, and that this is an act prejudicial to the interests of the bank, a misconduct as per Clause 19.5(i) of the Binartite Settlement dated 19-10-66. The contention of the respondent-bank is that the employee himself confessed to the Accountant of the branch by name Jayaraman (MW1 in the domestic enquiry) about having collected and misappropriated Rs. 4,268. The respondent also contends that the employee informed the Manager that he was also having 91 Postal Orders to the value of Rs. 1,577 which were not encashed by him. The respondent claims that

apart from making such oral confession to the Accountant and Branch Manager, the employee on 24-9-91 surrendered the credit vouchers prepared by him for the postal orders already collected by him, and also the uncollected postal orders with a list prepared by the employee himself in the presence of Bank's Officer Sivagananasundaram (MW4). The employee on the other hand denies that the work of collecting Postal orders was entrusted to him or that he collected and misappropriated Rs. 4,268 or that he surrendered the credit vouchers or the uncashed Postal Orders as alleged by the respondent-bank or that he confessed to the Accountant and the Manager.

8. Therefore, the first thing that has to be established is the employee in question was entrusted with the work of collecting Postal orders deposited by the parties for purpose of crediting the amount realised thereby to the credit of the concerned parties in the accounts of the respondent-bank. The contention of the employee is that there is no office order under which he was entrusted with his work. It is also admitted by the respondent that there is no office order in writing entrusting this work to the employee in question. But, the respondent contends that for each and every work attached to a particular seat there cannot be an office order. The petitioner-union has produced Ex. W-4 and W-5 the orders of allocation of work for clerical staff from 21-7-80 and 27-4-81 respectively. They do not show that this work of collecting the Postal Orders was allocated to the employee in question specifically. But, simply because there is no order in writing allocating the work of collecting the postal orders to the employee in question, it cannot be stated that he was not doing the work during the relevant period. Therefore, we have to see whether the employee in question has been doing this work during the relevant period. The case of the respondent-bank is that from 18-8-80 to 21-1-81, this work was entrusted to the employee in question. The respondent-management examined Jayaraman, who was the Accountant of the branch of the respondent bank during the relevant period, as MW1 before the Enquiry Officer. He stated in his evidence that during his tenure of office in this branch, it was K. M. Srinivasan the employee in question, who used to collect the postal orders, that as soon as the bank received challans from the parties, they will be given to the section and in turn to the employee in question, who was handling the preparing, of the pre-planned vouchers, going to the Post Office, collecting the amount and remitting it into the bank. He also stated that the employee himself will prepare the credit vouchers and remit the cash into the bank, which will be credited to the respective accounts. He also stated that during the period between 18-8-80 to 21-1-81, after receiving the challans from the Rani group, the postal orders were entrusted to the employee Srinivasan for collection and remittance into bank, that he himself prepared credit vouchers and the hand writing and initials in the credit vouchers are those of the employee Srinivasan. This credit vouchers have been marked as Ex. M.5 series before this Tribunal. He also stated that no other staff was doing this work and only Srinivasan was collecting and remitting the amount in bank. Of course, he admitted that there is no office order, but

stated that he was doing it in the normal practice. Of course, he admitted that they are maintaining a register for collection of pension bills and it appears that there is no such register maintained with regard to the postal orders separately. His evidence also shows that the instructions of the bank with regard to the collection of Postal Orders had not been followed. Simply because the instruction given by the Head Office had not been followed, it cannot mean that the employee Srinivasan was not doing the work, or that if he had collected the Postal Orders and had not remitted the amount, he should be absolved from any liability. It was not specifically suggested to MW1 that the employee Srinivasan did not do the work of collecting the Postal Orders, and remitting amount into the bank. The Branch Manager of this bank at the relevant time was also examined as MW2 in the domestic enquiry. He also deposed that it was the employee K. M. Srinivasan who was handling the collection of postal orders. He also stated that on 21-9-81, the employee Srinivasan confessed to him about having collected Postal Orders and not crediting to the account a sum of Rs. 4,200 and also about his being in possession of uncollected postal orders to the extent of Rs. 1,577. MW2 before the Enquiry Officer also stated that the employee-Srinivasan informed him that he will prepare a list of uncollected postal orders, and also of the postal orders collected. MW2 also stated that on 24-9-81, the employee-Srinivasan handed over 91 uncollected Postal Orders to the value of Rs. 1,577 with a list, credit advices, the vouchers alongwith challans of the party in respect of the Postal orders already collected by him, but which were not remitted. According to MW2, this was done in the presence of Officer Sivagnanasundaram (MW4). The covering letter and list were marked as Ex. M.9/series before the Enquiry Officer. (Ex. M.10 to M.12 before this Tribunal). MW2 also stated that he was familiar with the handwriting, initials, signature of Srinivasan and he identified the initials and handwriting of Srinivasan in the vouchers. It was also not specifically suggested to him that Srinivasan was not doing the work of collecting the Postal Orders. K. Padmanabhan (MW-3) Clerk-cum-Shroff of the Erukanchery branch who was previously working in the Park Town branch in the relevant period stated in his evidence that as a receipt cashier, he is able to tell that the employee K. M. Srinivasan had remitted amounts by collecting postal orders of M/s. Rani Syndicate and Rani Publications. He also stated that except from him he had not received the collection of postal orders from any other staff. MW3 has not been questioned in this behalf in cross-examination at all. There is no reason to discredit the evidence of MW1 to 3 (before the Enquiry Officer). Except the general suggestion made to MW1, that some unpleasant incident took place in the branch during 1980-81 in the matter of collecting Postal Orders, and that he alongwith the other staff members conspired and shifted the charges on to Srinivasan because of his innocent nature, no specific question was put to any of these witnesses suggesting that this work was not done by the employee-Srinivasan. There is no reason to reject their evidence, which goes to show that collecting the postal orders and remitting the amount realised into their credit was entrusted to the employee Srinivasan during the relevant period.

9. This apart, the Branch Manager MW2 in the domestic enquiry stated in his evidence that on 24-9-81, the employee in question surrendered to him 91 uncashed Postal Orders. The credit vouchers regarding the amounts already collected but not credited, in the presence of Sivagnanasundaram (MW4) alongwith the list, and a covering letter. These are marked as Ex. M.10 to M.12 before this Tribunal. Sivagnanasundaram (MW4) stated in his evidence that on 24-9-81, the Manager called him to his room and informed him that the employee-Srinivasan had collected some Postal Orders but had not remitted the money into bank, that he (Srinivasan) wants to handover the pending challans and uncollected postal orders to him, and asked him (Sivagnanasundaram) to be a witness for the same. MW4 Sivagnanasundaram said that the employee Srinivasan handed over a letter, the list of uncollected postal orders and the uncollected postal orders in his presence he has attested the covering letter Ex. M.9. It was not suggested to him specifically that the employee in question did not give the covering letter or the list, and the uncollected postal orders and the credit vouchers. Therefore, this is also a point that goes to show that the work of collecting postal orders and remitting it into bank was entrusted to the employee in question.

10. This apart, the accountant MW1 in the domestic enquiry stated that on 17-9-81, the employee in question confessed to him about the collection of postal orders to the extent of Rs. 4,200 and had failed to remit it into the bank. He stated that he informed this to the Manager at about 5.30 on that day. The Manager MW2 also stated that at about 6.00 p.m. on 17-9-81, accountant informed him about the confession, but by that time Srinivasan had left the office. It is evident from Exs. M.6 and M.7 that the employee Srinivasan was on leave on the next two days 18-9-81 and 19-9-81. MW2 stated that on 21-9-81, the employee-Srinivasan confessed to him about the collection of Postal Orders and of his failure to remit the same, and also about his being in possession of uncollected postal orders. Of course, these are not in writing and are denied by the employee in question. But, Ex. M. 13, is a letter by the Branch Manager MW2 to the Head Office on 24-9-81 wherein he had specifically stated about this confession by the employee to the accountant as well as to himself. He has also mentioned that he has taken possession of the collected postal orders, credit vouchers prepared by Srinivasan, but not put through. Therefore, at the earliest point of time, the Branch Manager had mentioned about this confession, and about taking possession of the Postal orders. Ex. M.14 is a letter by the respondent bank dated 24-9-81 to K. M. Srinivasan informing him of his confession about misappropriation and that his Savings Bank Account was being frozen. No reply had been sent by the employee in answer to this letter. Therefore, it is clear that this confession though oral, must be true. The delinquent-employee Srinivasan did not depose before the Enquiry Officer. There is absolutely no motive for the branch manager to foist a case against the delinquent employee and no motive was even been suggested. Therefore, taking into consideration all these aspects, I find that the postal order in question must have been entrusted to the employee Srinivasan for collection.

11. The several aspects referred to by me above will go to show that K. M. Srinivasan had collected a sum of Rs. 4,268 but had not remitted it into the bank, and also that he was in possession of uncollected postal orders. It was contended on behalf of the employee that there was no complaint by M/s. Rani Publications and M/s. Rani Syndicate about this aspect. But it is seen that they were not even aware of the misappropriation, and they were not even able to say the exact amount of misappropriation. Therefore, the fact that they had not given a complaint will not absolve the employee. Another contention put forward on behalf of the employee is that there was difference between the amounts mentioned by M/s. Rani Publications and M/s. Rani Syndicate, and the amount mentioned by the respondent. The bank wrote to them asking them to give details of the postal orders and the amounts. They replied stating (under Exs. M. 16 and M.17) mentioning that a sum of Rs. 3,067 and Rs. 3,260.50 were not respectively credited. But they had also pointed out that they do not know the exact amount. Therefore, simply because there is difference between the amount mentioned by the bank, it does not mean that the amount mentioned by the bank is not correct. A list was furnished to the employee alongwith the Show Cause Notice and he has not been able to point out how it is incorrect except stating that there is difference between the amount mentioned by Company and bank, which cannot help.

12. Another contention put forward on behalf of the employee is that the respondent has not produced the documents marked in the domestic enquiry inspite of the direction given by Court. But, the respondent has produced and marked Exs. M.1 to M.20 and the petitioner has marked 11 documents. The petitioner has not been able to point out that the non-production of any particular document has prejudiced him. So, in such circumstances, and in the face of the evidence already available regarding the guilt of the employee, it cannot be stated that the non-production of the other documents marked in the domestic enquiry has prejudiced the employee. The learned counsel for the petitioner contended that the workman can still be reinstated or atleast be paid compensation. But, the respondent is a bank and the employee of the bank are expected to maintain utmost integrity, as otherwise there is no safety for the bank and the constituents of the bank, and constituents will lose the confidence in the bank. The misconduct committed by the employee Srinivasan is grave and is highly prejudicial to the interests of the bank, and therefore, he cannot be dealt with leniently. So, I find that the punishment imposed upon the employee cannot be stated to be excessive or disproportionate to the misconduct. So, I find that the punishment imposed upon the employee Srinivasan is justified and that he is not entitled to any relief.

13. In the result, an award is passed holding that the termination of the service of K. M. Srinivasan, Clerk-cum-Shroff with effect from 22-1-85 is justified and that he is not entitled to any relief. No costs.

Dated, this the 27th day of April, 1994.

THIRU K. SAMPATH KUMARAN, Industrial Tribunal

WITNESSES EXAMINED

For both sides : None

DOCUMENTS MARKED

For Workmen :

- Ex. W-1/8-12-81 : Proceeding calling for the explanation and suspension order issued to Thiru K. M. Srinivasan (Xerox copy).
- Ex. W-2/21-7-82 : Explanation by Thru K. M. Srinivasan to the Management Bank (Xerox copy).
- Ex. W-3/24-9-81 : Letter regarding Postal order by Thiru K. M. Srinivasan to the Management Bank (Xerox copy).
- Ex. W-4 : Allocation of work for clerical staff with effect from 21-7-80 (Xerox copy).
- Ex. W-5 : Allocation of work for clerical staff with effect from 27-4-81 (Xerox copy).
- Ex. W-6 : Summing up of defence representative in the domestic enquiry (Xerox copy).
- Ex. W-7/21-11-83 : Findings of the Enquiry Officer (Xerox copy).
- Ex. W-8/22-1-85 : Dismissal order issued to Thiru K. M. Srinivasan (Xerox copy).
- Ex. W-9/2-2-85 : Letter from Management Bank to Thiru K. M. Srinivasan regarding the period of suspension (Xerox copy).
- Ex. W-10/21-2-85 : Appeal preferred by Thiru K. M. Srinivasan to the Appellate Authority against the order of dismissal awarded by the disciplinary authority (xerox copy).
- Ex. W-11/12-4-85 : Order of Appellate authority (Xerox copy).

For Management :

- Ex. M-1 : Proceedings of the Enquiry Officer (Xerox copy).
- Ex. M-2/9-8-82 : Charge sheet issued to Thiru K. M. Srinivasan (Copy).
- Ex. M-3/8-12-81 : Show Cause Notice issued to Thiru K. M. Srinivasan enclosing list of collected and uncollected postal orders (Copy).
- Ex. M-4/21-7-82 : Reply by Thiru K. M. Srinivasan to Ex M.3 (Copy).
- Ex. M-5/series : Vouchers for the amount for credit of Rani Syndicate and Rani Publications enclosing statement detailing the above vouchers.
- Ex. M-6/28-9-81 : Privilege leave application of Thiru K. M. Srinivasan (Copy).
- Ex. M-7/6-10-81 : Order sanctioning privilege leave to Thiru K. M. Srinivasan for two days (Copy).

Ex.M-8|23-9-81 : Pay-in-slip for Rs. 4,270 to the credit of Thiru K. M. Srinivasan in S.B. A/c. No. 5583 (Xerox copy).

Ex.M-9 : Thiru K. M. Srinivasan's ledger folio (Xerox copy).

Ex.-M-10|24-9-81 : Letter from Thiru K. M. Srinivasan to Management-Bank (Copy).

Ex.M-11 : List showing details in uncollected Postal orders for Rs. 1,577 (Copy).

Ex.M-12 : List of Postal Orders.

Ex.M-13|24-9-81 : Letter from Manager, Indian Bank, Park Town Branch to the Management-Bank, Head Office (Copy).

Ex.M-14|24-9-81 : Letter from Manager, Indian Bank, Park Town Branch, to Thiru K. M. Srinivasan (Copy).

Ex.M-15|24-9-81 : Letter from Manager, Indian Bank, Park Town Branch to M/s. Rani syndicate, Madras-7 (Copy).

Ex.M-16|10-11-81 : Letter from the Manager, Rani Syndicate, Madras-7 to the Manager, Indian Bank, Park Town, Madras-3 (Copy).

Ex.M-17|10-11-81 : Letter from the Manager, Rani Publication, Madras-7 to the Manager, Indian Bank, Park Town, Madras-3 (Copy).

Ex.M-18 : Xerox copy of vouchers for the amount paid into the credit of Rani Syndicate.

Ex.M-19|24-9-81 : Letter from Manager, Indian Bank, Park Town, Madras-3, to the Dy. General Manager, Vigilance Department, Indian Bank, Head Office, Madras-1 regarding misappropriation committed by Thiru K. M. Srinivasan.

Ex.M-20|28-9-81 : Inspection report (Copy).

नई दिल्ली, 19 अगस्त, 1994

का. आ. 2162 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कैनारा बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अविकरण नं. 2 बम्बई के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 19-8-94 को प्राप्त हुआ था।

[संख्या एल-12012/107/85/ डी- II ए/ आई. आर.
(बी. 2)]
वी. के. शर्मा, डैस्क अधिकारी

New Delhi, the 19th August, 1994

S.O. 2162.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No. 2. Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of Canara Bank and their workmen, which was received by the Central Government on 19-8-1994.

[No. L-12012|107|85-DIIA|IR(B-II)]
V. K. SHARMA, Desk Officer

ANNEXURE
BEFROE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO 2, BOMBAY
PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2|9 of 1986

Employers in relation to the management of
Canara Bank.

AND

Their workmen.

APPEARANCES :

For the Employer.—Shri R. S. Pai, Advocate.

For the workmen.—1. Shri Madan Phadnis.

2. Shri L. T. Satelkar, Advocates.

INDUSTRY : Banking STATE : Maharashtra

Bombay, dated the 5th August, 1994

AWARD
PART II

1. By Award Part-I my Learned Predecessor gave findings on issue Nos. 1 to 5A on 27-3-1991. By these findings he came to the conclusion that the enquiry which was held against the Workman was justified and proper. The Enquiry Officer properly followed the procedure. It has not affected the rules of natural justice and the requirements applicable to the establishment of the Bank.

2. The punishment which was imposed on the Workman by the Enquiry Officer was of termination. A reference was made to his Court by the Central Government. Now by this Award, I have to decide the remaining issues in the matter namely issue Nos. 6, 7 and 8. The issues and the findings thereof are as follows :

ISSUES

FINDINGS

(6) Whether the action of the Management of the Canara Bank in relation to its Matunga (East) Branch to Bombay, in terminating the Services of Shri Mohan N. Mahavarkar, Peon is justified? No

(7) If not, to what relief is the Workman concerned entitled? As per order

(8) What Award? As per order

REASONS

3. The Management has produced the proceedings in respect of the enquiry which was held against the Worker. Pages 32 to 38 deal with the chargesheet which was framed against the Worker. So far as the charge alleged to be framed against the Worker on the earlier occasions are concerned my predecessor had come to the conclusion that it is not proper. It is not necessary to repeat its contents.

The relevant charges so far as the present issues are concerned appear to be as follows :

"On 19-12-1980 you reported for duties at 9.05 A.M. although your duties commence from 8.30 a.m. As alternative arrangement was already made by engaging a daily wager, you were informed of the same and you were instructed not to sign the attendance register. In spite of that you signed the attendance register after orally remarking that the Branch may deduct the wages for 35 minutes. Subsequently after about 10 minutes you went to the sub-manager, Shri M. M. Sarvaiya and demanded for the telephone instrument. In the process you pushed away the things and papers which were lying on the sub-manager's table. When the sub-manager protested at your behaviour and asked you to place the papers| things in their proper place and not to disturb the table arrangement, you entered into heated arguments and snatched the telephone receiver from him.

At this stage you used vulgar words in Hindi as under :

"Gandme Dum Hain? Gandu! Tum duty par hain, Niche aao aur dekho tumhari halat kya hoti hain. Dadagiri mat karo. Tum phone nahi karne deta hain, to main umko kam karne nahi dunga".

Thereafter you sat before the sub-manager and when the sub-manager was drafting a letter which was being addressed to you about your late coming, you snatched the same from his hands and threw it down. In the process you also pushed down the empty coffee glass and the dictionary which was on the table of sub-manager and broke the coffee glass.

You behaved in the above said manner before the Customers, who were present in the branch at that time.

Your above act amounts to an act of wilful insubordination and disobedience of lawful and reasonable orders of the person placed in authority over you, constitutes gross misconduct under chapter XI Regulation 3 clause (d) of the Canara Bank Service code.

Your above act amounts to riotious and disorderly conduct on the premises of the Bank which constitutes gross misconduct under Chapter XI Regulation 3 clause (k) of the Canara Bank Service code.

By your above action you have also committed an act which is prejudicial to the interest of the Bank under Chapter XI Regulation 3 Clause (m) of the Canara Bank Service Code.

4. The Enquiry Officer having come to the conclusion that the charges are proved against the worker

awarded the punishment. In his report in the para punishment he has observed :

In deciding about the quantum of the punishment: I am faced with a case of repetition of disorderly behaviour, a case wherein thrice chargesheeted, twice suspended was reinstated back in the services of the Bank purely on the assurances given by the employee himself and the Union to which he belongs.

As such, I feel the punishment of "DISMISSAL FROM THE SERVICES OF THE BANK" under chapter XI Regulation 4 Clause (e) of the Canara Bank Service Code would meet the end of Justice.

5. The Learned Advocate for the Worker in his written argument and in oral submissions submitted that in view of Section 11A of the Industrial Disputes Act the Tribunal has ample power to reduce the punishment of dismissal or discharge even after finding the workman guilty. This provision is based on the principle that there is an acute crisis of unemployment and the Welfare State must take measures to correct and elevate the Workman and save him from the death sentence of dismissal economically which will not hit him alone but even his family. It is with this view that Section 11A has been introduced in the main Act. Section 11A confirms independent power upon the Tribunal to consider the question of punishment. It is tried to submit that looking to the nature of the charge the worker should not be punished at all. It is tried to suggest that under this Section even if the Tribunal comes to the conclusion that the Worker is guilty, it may not award any punishment. I am not inclined to accept it for the simple reason that if guilt is proved there must be some punishment. It may be minor or major. I am not inclined to accept this submission in view of Section 11A of the Act. It is pertinent to note that my Predecessor has come to the conclusion that the enquiry held against the Workman is just and proper. In other words he has come to the conclusion that the charges which are levelled against the worker are found to be true. As this is so what is to be seen taking into consideration Section 11A of the Industrial Disputes Act is whether the punishment awarded is just and proper?

6. The Learned Advocate for the Bank placed reliance on Orissa Cement Limited v/s. Adikandu Sahu (1960) 1 LLJ 518, Sarabhai M. Chemicals v/s. M. C. Ajmere (1980) 1 LLJ 295, Boisahabi Tea Estate v/s. Presiding Officer, Labour Court (1981) LIC 557, South India Sugars Ltd., v/s. 1st Labour Court 1989 11 LLN page 1044 & BPL INDIA LTD. v/s. BPL and PSP Thosalli Union (1990) 11 C.L.R. page 165. In all these authorities it is observed that insubordination, disobedience and riotious conduct, abusing the superiors and using filthy language are sufficient grounds for dismissing the Worker. Every case has its different dimensions. Each case differs from another. Under such circumstance it cannot be stated that the ratio given in the above said authorities in coming to the conclusion that a particular type of observation is sufficient for Awarding a higher punishment namely dismissal.

7. The Learned Advocate for the Workman argued that the punishment which is awarded to the Workman is shockingly disproportionate because the workman was not allowed to resume work when he came late while the other Workman was allowed to join duty aggravates the anger of the Workman. Furthermore the Workman was not allowed to use the telephone and the telephone was snatched to deny him the use of the phone. The Manager's Action was not taken into consideration while awarding the punishment. He also argued that the Enquiry Officer had taken into consideration the previous charges which were infact not true nor enquiry was held against the worker in respect of them in awarding the Punishment. It can be further seen that the appellate authority was also consulted before awarding the punishment. All these facts clearly go to show that the punishment which is awarded to the Worker is disproportionate, as the bread and the butter is taken away by the said punishment. There is a derth of employment everywhere. It is difficult for one man to get an employment of any type. Even though this is so the action of the Worker is not at all of a such natural that which can be neglected at all. It is also not of such a nature that minor punishment will serve the ends of the justice. The Worker misbehaved with the superior, he abused him in a filthy language, he dis'urbed the table of his superior and disobeyed his orders. He created a scene in the Bank which must have diminished the prestige of the Officer of the Bank. While awarding the punishment it is also to be seen that the Worker himself and no other person should commit such an act again. The Worker is dismissed from the services on 19th December, 1980. He served in the Bank for about 8 years prior to it. Taking into consideration all these facts I record my findings on the points accordingly and pass the following award.

AWARD

1. The action of the Management of the Canara Bank in relation to Matunga East Branch, Bombay in terminating the service of Shri Mohan N. Mahavarkar, peon is not justified.
2. The Management is directed to re-instate the Workman in the employment treating him to be in continuity of service.
3. The Workman is not entitled to any back wages.
4. No orders as to cost.

S. B. PANSE, Presiding Officer.

Dated : 5-8-94.

नई दिल्ली, 9 अगस्त, 1994

का.प्र. 2163 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, कालिंगा एरिया आफ महानदी कोलफील्ड्स लि. के प्रबन्धकों के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुवर्ण में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर (उड़ीसा) के पंचपट को

प्रकाशित करती है, जो केन्द्रीय सरकार को 4-8-94 को प्राप्त हुआ था।

[संख्या एन-22012/216/93-आई एर (सी-1)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 9th August, 1994

S.O. 2163.—In pursuance of Section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kalinga Area of Mahanadi Coalfields Ltd. and their workmen, which was received by the Central Government on the 4-8-1994

[No. L-22012/216/93-IR(C.II)]

RAJA LAL, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Sri P. K. Tripathy, M.A., LL.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 39 OF 1993
(CENTRAL)

Dated, Bhubaneswar, the 27th July, 1994

BETWEEN

The management of Kalinga Area of Mahanadi Coalfields Ltd., P.O. Balanda, Dist. Dhenkanal.

.. First party management.

AND

Their workmen represented through—

(1) Orissa Colliery Mazdoor Sangh (INTUC), P.O. Balanda, Dist. Dhenkanal &

(2) Kalinga Colliery Mazdoor Sabha (HMS), At P.O. South Balanda, Dist. Dhenkanal.

.. Second party workmen.

APPEARANCES:

Sri N. K. Sharma, Dy. Chief Personnel Manager.
—For the first party-management.

Sri R. K. Sahoo, Secretary—For the Mazdoor Sangha

Sri B. N. Pani, Working President—For the Mazdoor Sabha.

AWARD

The Ministry of Labour of Government of India in exercise of its powers vis 10(1)(d) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have forwarded the following schedule of reference for adjudication vide their Order No. L-22012/216/93-IR (C.II) dated 12th November, 1993 :—

"Whether the action of the management of Kalinga Area of Mahanadi Coalfields Ltd., in not paying the wages to the employees for 1st shift of 9-1-1993 to the 2nd shift of 11-1-93 was justified? If not, to what relief the workers are entitled to?"

8. At the stage of filing written statement by the management, both parties, today, have filed a petition for compro-

mise/settlement which, was duly recorded. The relevant terms of the settlement read as follows :—

- (1) It is agreed that wages shall be allowed to those employees of Kalinga OCP who had come for duty during 1st shift of 9-1-1993 to 2nd shift of 11-1-93 and recorded their attendance.
- (2) It is agreed that wages shall be paid within one month of signing of the settlement.
- (3) It is agreed that parties will file joint application before Presiding Officer, Industrial Tribunal Bhubaneswar requesting for passing an Award on the lines of terms of settlement between the parties."

3. In view of the aforesaid settlement, the Award is passed accordingly to the effect that the employees who had come for duty during the 1st shift of 9-1-93 to 2nd shift of 11-1-93 and recorded their attendance are entitled to get their wages for the said period and the management is directed to pay the same within one month from today i.e. by 27-8-1994. For the purpose, the terms of the settlement do form part of the Award.

Dictated & corrected by me.

Dt. :—27-7-94.

P. K. TRIPATHY, Presiding Officer

MCL : KALINGA AREA :

FORM—'H'

(See Rule—58)

Memorandum of settlement reached between Management of Kalinga Area and Workmen represented by OCMS (INTUC) and KCMS (HMS).

PARTIES

FOR MANAGEMENT

- (1) Sri M. B. Mathur,
General Manager,
Kalinga Area.
- (2) Sri N. K. Sharma,
Dy. Chief Personnel Manager,
Kalinga Area.

FOR WORKMEN/UNION.

- (1) Sri Pramod Ch. Sahoo,
Secretary, OCMS (INTUC),
South Balanda, Dt. Angul (Orissa)
- (2) Sri Rajani Kanta Sahoo,
Secretary, Kalinga OCP, Branch,
OCMS (INTUC), South Balanda.
- (3) Sri B. N. Pani, Working President,
KCMS (HMS), South Balanda,
Dt. Angul (Orissa).
- (4) Sri P. C. Kundu, Genl. Secretary,
KCMS (HMS), South Balanda, Angul.

SHORT RECITAL OF THE CASE

Consequent upon work stoppage caused by Villagers of Danara from 1st shift of 9-1-1993 to 2nd shift of 11-1-1993, the workmen of Kalinga OCP after getting their attendance marked, could not go to their work nor could they discharge their duties. On well established principle of 'No work no Pay', billing of the wages from the period 1st shift of 9-1-93 to 2nd shift of 11-1-93 was not done.

The affected workmen of Kalinga OCP raised the matter through OCMS (INTUC) and KCMS (HMS) before the management and thereafter, both unions raised an Industrial dispute (file No. 1(5)93-BBS/A). Both parties remained firm on their stand in conciliation, as a result Industrial dispute ended in failure on 4-5-1993.

Subsequently on demand of OCMS (INTUC) and KCMS (HMS) Govt. made a reference for adjudication on the following terms.

"Whether the action of the management of Kalinga Area of MCL is not paying the wages to the employees for 1st shift of 9-1-1993 to 2nd shift of 11-1-93 was justified? If not, to what relief the workmen are entitled?"

Govt. referred the case for adjudication vide order dated 12-11-1993 which has been reelected I.D. case No 39/93(c) Ref. No 1787/IT dated 30-4-1994 in Industrial Tribunal, Orissa, Bhubaneswar.

The General Secretary, OCMS (INTUC) and OCMLF (HMS) discussed the issue in March 1994 when DIC visited Talcher Coalfields.

While the matter is subjudiced and both the Unions submitted their claim before Presiding Officer, Industrial Tribunal Orissa, Bhubaneswar. OCMS (INTUC) raised a demand for settlement of the dispute out of court referred to Tribunal—the case of Kalinga OCP, which was discussed at the level of DIC, MCL, on 30-5-1994 and it has been agreed that wages shall be allowed to those employees who had come for duty and recorded their attendance but obstructed by villagers, could not discharge their duties subject to settlement to be entered into by the unions.

Accordingly, the matter was discussed with the Officials of the OCMS (INTUC) and KCMS (HMS) and the following agreement has been arrived at between the parties.

TERMS OF SETTLEMENT

- (1) It is agreed that wages shall be allowed to those employees of Kalinga OCP who had come for duty during 1st shift of 9-1-1993 to 2nd shift of 11-1-93 and recorded their attendance.
- (2) It is agreed that wages shall be paid within one month of signing of the settlement.
- (3) It is agreed that parties will file joint application before Presiding Officer, Industrial Tribunal, Bhubaneswar requesting for passing an award on the lines of terms of settlement between the parties

FOR MANAGEMENT

- (1) Sri M. B. Mathur,
General Manager,
Kalinga Area.
- (2) Sri N. K. Sharma,
Dy. CPM, Kalinga Area.

WITNESS

- (1) Sd/- Illegible.
- (2) Sd/- Illegible.

FOR WORKMEN/UNION.

- (1) Sri Pramod Ch. Sahoo, Secretary,
OCMS (INTUC), South Balanda,
Dt : Angul (Orissa)
- (2) Sri Rajani Kant Sahoo, Secretary,
Kalinga OCP, Branch, OCMS (INTUC),
South Balanda
- (3) Sri B. N. Pani, Working President,
KCMS (HMS), South Balanda, Dt : Angul.
- (4) Sri P. C. Kundu, Genl. Secretary,
KCMS (HMS), South Balanda, Dt : Angul (Orissa).

Place :—Kalinga Area, 25th, July 1994.

नई दिल्ली, 18 अगस्त, 1994

का. आ. 2164 :—औद्योगिक विवाद यलिनियम, 1917 (1947 का 14) की धारा 17 के प्रावधान में, केन्द्रीय सरकार द्वारा निर्दिष्ट क. वि. अधिनियम 1 रामायणपुर के प्रबन्धन के मंत्रालय निर्वाहकों पर उनके कर्म-कार्यों के बीच, प्रत्यक्ष में निर्दिष्ट औद्योगिक विवाद में

औद्योगिक अधिकरण, हैदराबाद, (ग्रामा पदम) कोष वपद
को प्रकाशित करता है, जो कन्द्रीय सरकार को 18-8-94
को प्राप्त हुआ था।

[संख्या एन-22012/209/91-काटे आर (सी. II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 18th August, 1994

S.O. 2164.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad (A.P.) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Singareni Collieries Co. Ltd., Area-I, Ramagundam and their workman, which was received by the Central Government on the 18-8-94.

[No. L-22012/209/91-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, the 10th day of August, 1994

INDUSTRIAL DISPUTE NO. 26 OF 1992

BETWEEN :

Singareni Coal Fillers, Cutters & Mine Workers' Union, INTUC represented by its Secretary.
.. .. . Petitioner.

AND

The Management of Singareni Collieries Company Limited, P.O. Godavarikhani, District Karimnagar.
.. .. . Respondent.

APPEARANCES :

M/s. V. Venkat Ramana, V. Srinivas and B. H. Ravi, Advocates for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha and P.V.K. Kishore Babu, Advocates for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/209/91-IR(C.II), dt. 2-6-1992 referred the following dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam and their workers to this Tribunal for adjudication :

"Whether the action of the management of M/s. S.C.C. Ltd., Area-I, Ramagundam in terminating the services of Sri Ch. Komariah, Coal Filler w.e.f. 17-9-88 is legal and justifi-

fied? If not, to what relief the concerned workman is entitled to?"

This reference was registered as Industrial Dispute No. 26 of 1992 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner-workman read as follows :—The workman Ch. Kumariah, Coal Filler, Godavarikhani, No. 6 Incline fell sick from 20-6-1986 and underwent treatment upto 31-7-1988 in a private Nursing Home and reported to duty immediately. He was directed to Area Hospital and which declared him fit but the Respondent did not allow him to duty and intimated that he workman is dismissed. The workman is an illiterate person. No charge sheet nor any opportunity was given to him before dismissal. The action of the Management in dismissing him is illegal. The workman as having long service without any complaint in the Respondent Company. In spite of the best affords, the workman could not get alternative employment after the illegal dismissal. It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the action of the Respondent in dismissing Ch. Kumariah, Coal Filler, is illegal and direct the Respondent to reinstate the said workman with consequential and attendant benefits, failing which the claimant will loss and pass such other relief as it deems fit.

3. The brief facts of the counter filed by the Respondent-Management read as follows :—It is respectfully submitted that the workman was dismissed on 17-9-1988 vide letter No. P.R.G.I/32C/3006 dated 15-9-1988. For the reasons best known the workman in dispute and the Union kept quite for more than 3 years and have chosen to raise the industrial dispute at a belated stage. The claim of the Petitioner Union is a stale claim. On the ground that the petitioner's claim is stale claim and barred by limitation the petition may be dismissed and reference can be closed. For the reasons best known to him he has not chosen to attend duties and remained absent from 1-1-1986 to 24-7-1986 which resulted the work of Coal filling got dislocated. The Respondent-Management waited for a considerable time and then issued a charge sheet on 24-7-1986 calling upon him to give explanation within 3 days for his unauthorised absence which is a misconduct under Clause 16(16) of the Standing Orders. The charge sheet was returned undelivered by the postal authorities though the Respondent Company sent the charge sheet to the address given by the employee. After making attempts to serve the charge sheet, the Respondent failed and ultimately got published the charge sheet in Telugu daily Visalandhra on 9-10-1986 calling upon Sri Ch. Komariah to give his explanation to the charge sheet within three days of date of publication and also attend the enquiry on 23-10-1986. There was no response at all from the workman in dispute. As such, the enquiry was conducted ex-parte. Enquiry Officer forwarded the enquiry proceedings and enquiry report to the Management. The Management of the Respondent looked into the entire enquiry record, proceedings and also the past record of the employee and found that Sri Ch. Komariah remained unauthorisedly absent, no information what-

soever was given by him, which resulted management found that there are no extenuating circumstances to reflect a lesser punishment and as the misconduct being serious in nature, he was dismissed from service vide letter dt. 15-9-1988. At the time of filing M.P. No. 147/1988 in this Hon'ble Tribunal management simultaneously forwarded one month's wages to comply the statutory obligation under the I.D. Act. Sri Ch. Komariah received one month wage and the dismissal order. But he has not chosen to appear before this Hon'ble Court nor had he contested the matter. The workman in dispute is fully aware that M.P. No. 147/1988 was pending before his Hon'ble Tribunal. It may be noticed that when the petitioner Union raised the dispute management brought to the notice of the union that after the orders were passed on 20-9-1989 i.e. after lapse of one year they are raising the Industrial Dispute. The conduct of the workman in dispute all through is that he continuously remained absent for several years and there were no merits in the case. The allegation that the workman in dispute Sri Ch. Komariah fell sick from 20-6-1986 to 31-7-1988 and underwent treatment in a private nursing home is not correct and it is totally a false fact. To cover up his unauthorised absence at a later point of time he has chosen to bring a certificate from a private nursing home. In fact no such information was forwarded by the workman in dispute during the relevant period mentioned in the charge sheet or during enquiry. The allegation that he reported for duty after the Area Hospital declaring him fit, but the Respondent has not allowed to attend to duty is totally false and the petitioner is put to strict proof of the same. It may be noticed that the petitioner herein received one month notice pay when the dismissal order was served along with application filed under Section 33(2)(b). The Petitioner-Union making a demand to reinstate the employee is illegal and arbitrary. Neither the Petitioner-Union nor the workman in dispute are entitled for the relief prayed for either reinstatement or consequential benefits. There are no merits in the petitioner's case. In view of the above mentioned facts this Hon'ble Tribunal may be pleased to dismiss the claim petition and terminate the reference with exemplary costs.

4. The point for adjudication is whether the action of the Respondent in terminating the services of Sri Ch. Komariah, Coalfiller w.e.f. 17-9-88 is legal and justified?

5. No oral or documentary evidence has been adduced by the Petitioner-Union. M.W1 was examined on behalf of the Respondent and marked Ex. M1 to M6 on its side.

6. M.W1 is S. T. Ravindran. He deposed that he is working as Personnel Officer in Singareni Collieries Company in Ramagundam Area-I. He knows the facts of the case. Charge Sheet dt. 24-7-1986 was forwarded to him. Charge Sheet was sent by registered post acknowledgement due to the workman at his home address. Ex. M1 is the charge sheet dated 24-7-1986. Ex. M2 is the returned cover. The charge sheet was published in Visalandhra Newspaper dt. 9-10-1986 advising the worker to be present before the Enquiry Officer on 23-10-1986 at 9.00 A.M. at the office of Colliery Manager GDK 6 Incline.

Ex. M3 is the xerox copy of the said paper publication. The charge sheeted workman did not attend before the Enquiry Officer. I was appointed as Enquiry Officer by letter dt. 9-10-1986. Ex. M4 is the appointment order. He conducted the Enquiry ex-parte. He submitted his report to the Management. Ex. M5 is the enquiry proceedings. Ex. M6 is the enquiry report.

7. In this dispute the case of the Petitioner Union is that the workman Ch. Komariah, Coal Filler, Godavarikhani, No. 6 Incline fell sick from 20-6-1986 and took treatment upto 31-7-1988 in a private Nursing Home and reported to duty immediately, that he was directed to Area Hospital and which declared him fit but the Respondent did not allow him the duty and intimated that the workman is dismissed. No charge sheet nor any opportunity was given to him before dismissal. The action of the Management in dismissing him is illegal.

8. On the other hand the contention of the Respondent-Management is that Ch. Komariah worked as Coal Filler at GDK No. 6 Incline and he was a permanent workman and fully aware of the Standing Orders as well as leave rules. The workman has not chosen to attend duties and remained absent from 1-1-1986 to 24-7-1986. The Respondent waited for a considerable time and then issued a charge sheet on 24-7-1986 calling upon him to give explanation within 3 days for his unauthorised absent which is a misconduct under Clause 16(16) of the Standing Orders. After making attempts to serve the charge sheet, the Respondent failed and ultimately get published the charge sheet in Telugudaily Visalandhra on 9-10-1986 calling upon Sri Ch. Komariah to give his explanation to the charge sheet within three days of the date of publication and also attend the enquiry on 23-10-1986. There was no response from workman as such the enquiry was conducted ex-parte. When the Respondent passed the order of dismissal on 15-9-1988, an I. D. No. 56/84 was pending before this Court, the workman in dispute being a connected workman in that I. D. the Respondent filed an application under Section 33(2)(b) of the I. D. Act and numbered it as M. P. No. 147/88, after following the procedure of serving notice to the workman by way of paper publication etc. the Tribunal set ex-parte and heard the case and approved the action of the Management. Even the said order was not challenged by the workman in dispute. The petitioner union raised the dispute as Industrial Dispute after a lapse of one year.

9. In the present case the Petitioner-Union has not adduced any witness nor filed any documents to substantiate their case. In spite of several adjournments given, the Petitioner's Union has not come forward to defend the case of the workman. There was no representation on their side nor the workman personally appeared before this Tribunal. Be that whatever it may. The case of the Respondent-Management is that the workman in dispute Ch. Komariah fell sick from 20-6-1986 to 31-7-1988 and underwent treatment in a Private Nursing Home. The case of the Respondent-Management that at Godavarikhani there is an area Hospital with 200 beds with all specialists and in addition to this the Respondent Company has a

very big hospital at Kothagudem with specialists. The argument of the counsel for the Respondent Management that no workman need go for medical facilities to any small hospital or private nursing home when there are specialists in the Respondent Company either at Godavarikhani or at Kothagudem. There was no necessity for the workman in dispute to go to a small Nursing Home for treatment. The counsel for the Respondent argued that the Standing Orders of the Company provides that if a workman or employee is sick he has to report to the Company Hospital and then report to the Mine or Office where he is working, to maintain service record and regularise their sick leaves etc. and also to comply the Mines Rules. It is further contended on behalf of the Respondent that if the disease of the employee was that of so serious in nature, the case would be referred to the Chief Medical Officer who in turn will refer the case to Specialists and if necessary, to outside hospitals like Osmania General Hospital, Nizam Institute of Medical Sciences (NIMS), and Cancer Hospital at Hyderabad etc., as a particular case requires. I find that if really the workman in dispute was so sick, he ought to have adopted the same procedure and also has to give an application for sick leave, I find that no such application for sick was given nor adopted the procedure. Moreover the workman in dispute has not revealed the nature of disease he suffered nor what treatment he has taken is not known. The further allegation of the Petitioner-Union that the workman in dispute reported for duty after the Area Hospital declaring him fit, but the Respondent has not allowed to attend to duty. The Petitioner Union has not filed any document to show that the workman in dispute approached the Respondent with a certificate declaring him (workman) fit from the Area Hospital. Considering all the facts and circumstances of the case, I am of the clear view that the Respondent-Management was right in dismissing the workman Sri Ch. Komariah from service with effect from 17-9-1988.

10. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam in terminating the services of Sri Ch. Komariah, Coal Filler w.e.f. 17-9-1988 is legal and justified. The concerned workman is not entitled to any relief.

Award passed.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 10th day of August, 1994.

Y. VENKATACHALAM, Industrial Tribunal-I
Appendix of Evidence

Witnesses Examined
for the Petitioner;

Witnesses Examined
for the Respondent:

NIL M. W1 S. T. Ravindran

Documents marked for the Petitioner :
NIL

Documents marked for the Respondent :
1905 GI/94-11

Ex. M1.—Charge Sheet.

Ex. M2.—Returned cover of Ex. M1

Ex. M3.—Xerox copy of the paper publication "Vishalandhra".

Ex. M4.—Appointment order given to M. W1.

Ex. M5.—Enquiry proceedings.

Ex. M...—Enquiry report.

नई दिल्ली, 11 अगस्त, 1994

का.आ. 2165.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के उपबंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 667 दिनांक 16 फरवरी, 1994 द्वारा सीमेंट उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 16 फरवरी, 1994 से छह माह की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह माह की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ड) के उपखण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 16 अगस्त, 1994 से छह माह की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फाइल संख्या एस-11017/13/85-डी-1(ए)]

एस.एस. पराशर, अवर सचिव

New Delhi, the 11th August, 1994

S.O. 2165.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 667 dated 16th February, 1994 the Cement Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 16th February, 1994;

And, whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 16th August, 1994.

[No. S-11017/13/85-D1(A)]
S. S. PRASHER, Under Secy.

नई दिल्ली, 12 अगस्त, 1994

का.आ. 2166.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स हीराचन्द एम. शाह के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[स. एल-31012/23/90-आई.आर. (विवाद)
बी. एम. डेविड, डेस्क अधिकारी]

New Delhi, the 12th August, 1994

S.O. 2166.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Hirachand M. Shah and their workmen, which was received by the Central Government on 10-8-1994

[No. L-31012/23/90-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-78 of 1990

PARTIES :

Employers in relation to the management of M/s. Hirachand M. Shah, Bombay.

AND

Their workmen.

APPEARANCES

For the Management : No appearance.

For the Workman : Shri Jagtap, Advocate.

INDUSTRY : Clearing & Forwarding. STATE : Maharashtra,

Bombay, dated the 18th day of July, 1994

AWARD

The following reference has been made by the Government of India, Ministry of Labour, New Delhi, under Section 10(1)(d) read with sub-section 2A of the Industrial Disputes Act, 1947 :

"Whether the action of the management of M/s. Hirachand M. Shah, a Custom House Clearing Agents, operating in the major Port of Bombay, in terminating the services of Shri Hamumant K. Pisal, Clerk w.e.f. 15-9-1982 is justified. If not what relief is the workman concerned entitled to?"

Statement of claim has been filed on behalf of the workman. He states that he has been in the employment of M/s. Hirachand M. Shah since 1962. According to him, his services were illegally terminated with effect from 15th September, 1982. Provisions of Section 25F of the Act were not followed and no domestic enquiry was conducted nor any principles of natural justice followed before terminating his services. He, therefore, made a demand before the Government Labour Officer, Bombay, who referred the matter to the Third Labour Court at Bombay. The Learned Presiding Officer of the Court concluded that the termination was illegal, and improper. However, on preliminary point

raised about the jurisdiction of the Labour Court the Presiding Officer by his Award dated 12-8-1988 came to the conclusion that the Central Government was the appropriate Government in the matter. In the circumstances, the workman approached the Regional Labour Commissioner by letter dated 8-2-1989 and the Government of India has after a failure report was received made above mentioned reference. He pressed for reinstatement and back wages with continuity of service.

3. Written statement has been filed once again contending that the reference is not maintainable, that this Tribunal has no jurisdiction, that it is not an industrial dispute under Section 2(k) of the Act. In the circumstances prayer for rejection is made.

4. On merits, it is stated that he had voluntarily abandoned the service of the company and services have not been terminated as alleged. It is submitted that in case it is held that the Company has terminated the services of the workman, the contention is that the Company was justified in doing so because the workman remained absent without sanction of leave. The Company may be given an opportunity to justify its action before this Tribunal.

5. It is further contended that the business came down and staff employed by the Company has also been slashed and no new persons have been appointed and if the present workman's services are reinstated it will be an additional burden which the Company is unable to bear.

6. It is denied that he has been in employment since 1962. After his initial appointment in 1962, he left the services of the Company from time to time and again his last appointment was made in 1973. His last drawn salary was Rs. 995 per month.

7. Contention that the provisions of section 25F are attracted is denied. With regard to the findings of the Third Labour Court, Bombay, it is submitted that they cannot be taken advantage of. The demand of the workman is opposed.

8. The matter has been heard in the absence of the employer who chose to remain absent when it was called out. It appears that he also remained absent on the previous days namely, 10-1-1994, 4-2-1994, 7-4-1994 and 23-6-1994. It is only on 25-11-1993 that there was the appearance of Shri Vinod Shah on behalf of the management. However, since he remained absent on the date of hearing, 18-7-1994, the matter was heard.

9. On behalf of the applicant affidavit has been filed in support of the claim. There does not appear any merit in the contention that the reference is not maintainable and that this Court has no jurisdiction. On the point of jurisdiction it is stated in the statement of claim and also in the affidavit that the Labour Court held that it had no jurisdiction to deal with the reference since the appropriate Government for making the reference was the Central Government. In the circumstances, it is now futile to contend that this Court has no jurisdiction.

10. It is also contended that this is not an industrial dispute. Section 2A of the Act would show that if an employer terminates the services of the individual workman a dispute or difference between that workman and its employer connected with or arising out of such termination shall be deemed to be an industrial dispute. In view of this provision that contention also will have to be rejected.

11. The workman states that his services were orally terminated on 15-9-1982. As stated earlier there is no cross-examination because there was no appearance on behalf of the management and the contention that he voluntarily abandoned his service is not borne out by record. In my view therefore, it will have to be held that the services were terminated.

12. It is an admitted position that he has been in employment at any rate since 1973 and therefore, he has been in continuous service for a year. If that be so he is entitled to the protection of Section 25F of the Act and since admittedly said section has not been complied with the termination is illegal.

13. The management has however, contended that in case it is held it is a case of termination of his services the Company maintained that it was justified in doing so inasmuch as the workman remained absent without sanction of leave. However, I stated earlier, there is no material to hold in favour of the Company on that point and evidence of the workman shows otherwise. Besides, there has been no compliance with the principles of natural justice by giving him an opportunity to show cause against the termination of services on that ground. At the time of hearing also there was no appearance. In the circumstances I find that the workman's services having been terminated without compliance with the provisions of Section 25F of the Act said termination is illegal and the workman is entitled to reinstatement with back wages.

14. It is stated in the written statement that the Company's business has substantially come down and staff employed by the Company has been slashed down substantially and that it will be an unbearable burden of the Company if employee is reinstated. Unfortunately for this also here is no material on record. I therefore, direct reinstatement with back wages

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 12 अगस्त, 1994

का.आ. 2167.—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स इण्डियन रेयर अर्थ्स लि. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, बम्बई में पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[सं. एन-29012/20/89-आई आर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi the 12th August, 1994

S.O. 2167.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Rare Earths Ltd., and their workmen, which was received by the Central Government on 10-8-94.

[No. I-29012/20/89-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT:

Shri Justice R. G. Sindhakar, Presiding Officer.

REFERENCE NO. CGJT-43 of 1989

PARTIES:

Employers in relation to the management of M/s Indian Rare Earths Ltd., Bombay

AND

Their workmen

APPEARANCES:—

For the Management—Mrs. Dave, Advocate.

For the Workman—No appearance.

INDUSTRY : Mining STATE : Maharashtra
Bombay, dated the 27th day of July, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi has made the following reference to this Tribunal for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947, read with Section 2-A of the Industrial Disputes Act, 1947 (for short, the Act).

“Whether the action of the management of M/s. Indian Rare Earths Ltd., Bombay in dismissing the services of Shri Dhayabhai Pala Padayal, Sweeper with effect from 4th February, 1986 is justified. If not, what relief is the concerned workman entitled to?”

2. Statement of claim has been filed by the workman, and written statement thereto has also been filed on behalf of the management. The matter came to be adjourned several times for hearing, and it appears, that on 2-2-1994, both the parties remained absent, and therefore, notices of ex-parte hearing were sent for the parties, and the matter was fixed for ex-parte hearing on 21-3-1994. On that date again, both the parties were absent, and matter came to be adjourned to 6-6-1994. The workman could not be served with the ex-parte hearing notice, and therefore a communication was addressed to the learned Advocate for the workman, along with a copy of the notice addressed on behalf of the workman. Even then there was no appearance on behalf of the workman. Shri Kedare appeared on behalf of the management on 6-6-1994, and sought time for hearing, and the same was granted and matter was fixed for hearing on 16-6-1994, on which date Mrs. Dave, Advocate appeared on behalf of the management, and there was no appearance on behalf of the workman. The matter came to be adjourned to 26-7-1994, and the workman's Advocate was served with a communication along with a copy of the notice addressed to the workman.

3. In spite of this, there is no appearance on behalf of the workman today, when the matter was called out. Mr. Dave, appeared on behalf of the management.

4. In the circumstances, the matter has now, proceeded in the absence of the workman.

5. The Learned Counsel, Mrs. Dave, appearing on behalf of the management, has relied upon the documents produced by the management, to show that the delinquent workman was charge sheeted for unauthorised absence for more than 10 consecutive days, and an enquiry was also held into the charges in accordance with the principles of natural justice, and he was given all the opportunities to defend himself, and it is after considering all this material, that the Factory Manager passed the order of dismissal with effect from 4-2-1986.

6. It is seen from the papers produced before me, that the order of dismissal passed by the Factory Manager, was proceeded by an enquiry, which was conducted in accordance with the principles of natural justice, and I am satisfied that the enquiry was a fair one. In the circumstances, there is no difficulty in holding that the order of dismissal is justified, legal and proper, and award is accordingly made. The workman is not entitled to any relief under this reference.

R. G. SINDHAKAR Presiding Officer

नई दिल्ली, 12 अगस्त, 1994

का.आ. 2168.—औद्योगिक विवाद अधिनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रामजीदास रामस्वियाल, माईन ओतर्स के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 9-8-94 को प्राप्त हुआ था।

[सं. एन-29012/27/92-आई आर (विविध)]

बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 12th August, 1994

S.O. 2168.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Industrial Tribunal, Kota as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ramjidas Ramrichpal, Mine Owners and their workmen, which was received by the Central Government on 9-8-94.

[No. L-29012/27/92-IR(Misc)]
B. M. DAVID, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण (केन्द्रीय) कोटा/राज./
निर्देश प्रकरण क्रमांक : ओ. न्या. (केन्द्रीय)-7/1992
दिनांक स्थापित : 17-8-92

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के
आदेशांक एल-29012/27/92 आई आर (मिस)
दि. 5-8-1992

औद्योगिक विवाद अधिनियम 1947

मध्य

जाकिर हुसैन पुत्र छोटे खां द्वारा क्षेत्रीय हिन्दू मजदूर
सभा, बंगाली, कोलोनी, छावनी, कोटा।

प्रार्थी श्रमिक
एवं

श्रीरामजी दास रामरिछपाल, माईन ओनर्स, पीपाखेड़ी
पोस्ट ऑफिस मोड़क रेलवे स्टेशन जिला कोटा।

प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचान,

आर. एच. जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि—श्री एन. के. तिवारी
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि—श्री एम. सी. गुप्ता
अधिनिर्णय दिनांक : 13 जुलाई, 1994

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा निम्न-
निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा
10(1)(घ) व उपधारा 2(ए) के अंतर्गत इस न्यायाधि-
करण को अधिनिर्णयार्थ सम्प्रेषित किया गया है :

"Whether the action of the management of Ramjidas Ramrichpal, Mine Owners of Pipakhedi Limestone Mines, Morak Distt. Kota in terminating the services of Shri Jakir Hussain S/o Shri Chhote Khan, Driver W.e.f. 20-10-1991 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?"

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज रजिस्टर किया गया व पक्षकारों को सूचना जारी की गयी तदुपरान्त दोनों पक्षों की ओर से अपनी-अपनी उपस्थिति न्यायाधिकरण में दी गयी। इसके पश्चात् प्रार्थी पक्ष की ओर से अपना क्लेम स्टेटमेंट प्रस्तुत किया गया व यह प्रकरण प्रतिपक्षी नियोजक के जवाब में चलते हुए दि. 9-8-94 के लिए नियत किया गया।

3. पिछली पेशी दि. 9-8-94 को पक्षकारों के प्रति-निधिगण उपस्थित थे और प्रतिपक्षी नियोजक प्रतिनिधि द्वारा यह प्रकट किया गया था कि चूंकि प्रार्थी श्रमिक ने उनसे राजीनामा कर लिया है और यह कोई विवाद नहीं चलाना चाहता है, अतः विवाद रहित अधिनिर्णय पारित कर दिया जावे। श्रमिक पक्ष की ओर से भी इन तथ्यों बाबत एक पत्र जरिये डाक द्वारा भिजवाया गया है जो पत्रावली पर उपलब्ध है। इस पर श्रमिक प्रतिनिधि ने प्रकट किया कि उनका श्रमिक से सम्पर्क नहीं हो पाया है इस कारण पेशी दी जावे और अंततोगत्वा प्रकरण में 13/7/94 तारीख नियत की गयी।

4. आज दोनों पक्षों के विद्वान प्रतिनिधिगण उपस्थित हुए। श्रमिक प्रतिनिधि द्वारा प्रकट किया गया कि श्रमिक ने प्रतिपक्षी से वांछित हिस्सा के पेटे 3500 रुपये प्राप्त कर लिये हैं और उसे ड्यूटी पर ले लिया गया है। इसके अतिरिक्त श्रमिक द्वारा प्रेषित पत्र का भी अवलोकन किया गया जिसमें भी उसके द्वारा उक्त प्रकार के कथन किये गये हैं। अतः इन समस्त आधार पर यह स्पष्ट प्रकट होता है कि श्रमिक व नियोजक के मध्य अब कोई विवाद शेष नहीं रहा है और इस कारण इस प्रकरण में "विवाद रहित अधिनिर्णय" पारित किया जाता है।

इस अधिनिर्णय का भारत सरकार, श्रम मंत्रालय, नई दिल्ली को नियमानुसार प्रकाशनार्थ भिजवाया जाये।

आर. के. चाचान, न्यायाधीश

नई दिल्ली, 12 अगस्त, 1994

का. आ. 2169 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स वेस्टर्न स्टारलाइन पी. लिमिटेड के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, यम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-8-94 को प्राप्त हुआ था।

[सं. एल.-31012/50/92-आई. आर. (विधि)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 12th August, 1994

S.O. 2169.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby published the award of the Central Government Industrial Tribunal, No. 1, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Western Starline Pvt. Ltd. and their workmen, which was received by the Central Government on 10-8-94.

[No. L-31012/50/92-IR(Misc)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar,
Presiding Officer.

Reference No. CGIT-13 of 1994

PARTIES :

Employers in relation to the management of M/s.
Western Starline Pvt. Ltd.

AND

Their workmen

APPEARANCES :

For the Management : Shri Krishnaswamy, Executive

For the Workmen : No appearance.

INDUSTRY : Ports & Docks STATE : Maharashtra
Bombay, dated the 25th day of July, 1994

AWARD

Government of India, Ministry of Labour, New Delhi has made, under Section 10(1)(d), read with sub-section 2A of the Industrial Disputes Act, 1947, following reference for adjudication :

"Whether the action of the management of M/s. Western Starline Pvt. Ltd., in denying promotion to Shri J. B. Hosmane, who is senior to Shri D. S. Shah, to the post of Junior Executive justified ? If not, to what relief the workman is entitled ?"

2. Notice of this reference was sent to the General Secretary, National Dock Workers' Union and this office has received the communication dated 17-2-1994 from the General Secretary for Union informing that Shri J.B. Hosmane, Junior Executive was not a member since three years and that the union was not interested in dealing with this matter. It is thereafter, that the management was asked to give the present address of the workman and that has been done by letter dated 14-6-1994. It is on this address that a notice of this reference was sent to the said workman Shri J. B. Hosmane and has been returned by the Postal Authorities undelivered with the endorsement that it has been refused by the addressee. It appears that Shri Hosmane has also tendered his resignation and the letter addressed to the management by Shri Hosmane (Xerox copy) on 31st March, 1994 has been produced. I am informed by the representative of the management Shri Krishnaswamy, Executive that this resignation is accepted and he has also been paid all dues. It therefore, appears that he is no longer interested in adjudication of the dispute that has been referred to this Tribunal. In any event in the absence of any statement of claim it is not possible also to adjudicate upon it. In the circumstances, reference is disposed off and award accordingly.

R. G. SINDHAKAR. Presiding Officer

नई दिल्ली, 11 अगस्त, 1994

का.भा. 2170.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सुपरिन्टेंडेंट आफ पोस्ट आफिस, पारवतीपुरम के प्रबन्धतंत्र में संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, विशाखापत्तनम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-8-94 को प्राप्त हुआ था।

[संख्या एल-40012/101/92-आई.आर. (डी.यू.) (पार्ट I)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 11th August, 1994

S.O. 2170.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Visakhapatnam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Supdt. of Post Offices, Parvatipuram and their workmen, which was received by the Central Government on 9-8-94.

[No. L-40012/101/92-IR(DU) (Pt.)]
K.V.B. UNNY, Desk Officer

ANNEXURE

IN THE COURT OF INDUSTRIAL TRIBUNAL-CUM LABOUR COURT, VISAKHAPATNAM

PRESENT: SRI K.V.S. SURYANARAYANA MURTHY,

B.L., Chairman & Presiding Officer.

Friday, the 22nd day of July, 1994

I.T.I.D. No. 10/93 (Central)

BETWEEN :

Ch. Govinda Rao,
C/o. Ch. Uma Maheswara Rao,
B.P.M. at Dalaivalasa (PO),
Chinagudaba Village,
Gurugubilli Mandalam-532463,
Vizianagaram Dist.

... Workman.

AND

The Supdt. of Post Offices,
Parvatipuram Division,
Parvatipuram-532502,
Srikakulam Dist. (A.P.)

.. Management.

This petition coming on for hearing before me in the presence of Sri A. A. Swamy, Asstt. Government Pleader for management and the petitioner but the petitioner and counsel are absent since 19-5-94. the court passed the following :

AWARD

Petitioner and counsel are absent. He has not been attending for the last three adjournments.

Reference is closed Nil award is passed accordingly.

Given under my hand and seal of the court this the 22nd day of July, 1994.

K.V.S. SURYANARAYANA MURTHY, Chairman &
Presiding Officer

नई दिल्ली, 18 अगस्त, 1994

का. भा. 2171.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकम्युनिकेशन, पानीपत के प्रबन्धतंत्र में संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-8-94 को प्राप्त हुआ था।

[संख्या एल—40012/145/89—डी. 2 (बी) (पीटी)]
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, 18th August, 1994

S.O. 2171.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecommunication, Panipat and their workmen, which was received by the Central Government on 16-8-94

[No. L-40012/145/89-D.II(B) (Pt.)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI M. S. SULLAR, PRESIDING
OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
CHANDIGARH

Case No. I.D. 85/90

Smt. Kamla Vs. Telecommunication

For the management :—Shri Arun Walia.

For the management :—Shri Arun Walia.

AWARD

In the wake of industrial dispute raised by Smt. Kamla, workman, Central Govt. vide letter No. L-40012/145/89-D-2(B) dated 10th July 1990 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Telecommunication in relation to their Panipat Deptt. in terminating the services of Smt. Kamla part time sweepress w.e.f. 8-3-1989 is just, fair and legal? If not, what relief the concerned worker is entitled to and from what date?”

2. The case set up by the petitioner, in brief in so far as relevant, is that she had worked as ‘safai karamchhari with the respondent/Management from 27th December 1984 to 8th March 1987, when her services were verbally terminated, without issuing any statutory notice, following the provisions of Section 25-F and other provisions of Industrial Disputes Act 1947 (hereinafter referred to as Act). According to the petitioner termination of her services is violation of provisions of the Act and she is entitled to all the service benefit. The workman claimed her re-instatement in the service with all consequential benefits including continuity of service.

3. The respondent/management stoutly contested the claim of the workman and filed the reply inter-alia admitting that the petitioner had worked on part time basis. According to the management the petitioner was never engages as part time worker by AE (Civil) Sonapat but she was only engaged on contract basis at his own level for getting his office accommodation cleaned on contract of Rs. 10 per month as the job was of a few minutes. It is alleged that the office accommodation was not the part of the new telephone building at Panipat. Denying the other allegations of the workman, the management asserted that she was never on the roll of the management. So the management prayed for the dismissal of the claim of the workman.

4. Controverting the allegations contained in the written statement and reiterating the pleadings in the statement of claim, the workman filed the replication. Thereafter, the case was slated for evidence of the workman.

5. Many opportunities were granted to the workman to lead her evidence but she failed to do so. Shri Arvind Kumar, the then Ld. the Presiding Officer, while losing the evidence of the workman, passed the following order :

“Despite many opportunities worker is not present for her evidence. On the last date of hearing, last opportunity was given. The evidence of the petitioner is closed by the order of the Court. To come up on 24-5-94 for the evidence of the management.

Sd/-

P.O. 15-2-94

And the case was posted for the evidence of the management.

6. The management in order to corroborate its stand examined Mr. P. K. Jindl SDO Telephone Karnal as MW1, who has reiterated stand of the management pleaded in the written statement. It may be added that statement of MW1 P. K. Jindl remained un rebutted.

7. Having heard learned counsel for the management and having gone through the record of the case, I am of the considered opinion that no relief can be granted to the workman in the obtaining circumstances of the case. As mentioned above according to the petitioner, her services were illegally terminated without complying mandatory provisions of the Act. On the other hand, case set up by the management is that the petitioner was never engaged by AE (Civil) Sonapat but she was engaged on contract basis. Now the short and significant question though important arises for determination in this case is whether petitioner has substantiated her claim. Taking the risk of repetition as mentioned above, what to talk of producing any evidence, the workman did not appear in support of her claim despite many opportunities. It was the duty of the workman to prove that she was employed as workman in the management of the respondent, so as to attract the provisions of Section 25-F of the Act. On the other hand it stands proved on the record as is clear from the statement of P. K. Jindl MW1 that she was employed on contract basis as sweepress @ Rs. 10 per month. The job of office cleaning was about 10 minutes every day. Her services were came to an end on 7-3-1987 when the office of AE (Civil) was closed.

8. In the light of aforesaid reasons, I have no option but to hold that workman has badly failed to substantiate her claim. There is no merit in the reference raised by Smt. Kamla. She is not entitled to any relief what-so-ever. So the reference is answered accordingly. The award be submitted to appropriate government.

Chandigarh.

5-8-1994.

M. S. SULLAR, Presiding Officer

नई दिल्ली, 16 अगस्त, 1994

का.आ. 2172.—चूनापत्थर और डोलोमाइट खान
श्रम कल्याण निधि नियमावली, 1973 के नियम 3 के
उप-नियम (1) के साथ पठित चूनापत्थर और डोलोमाइट
खान श्रम कल्याण निधि अधिनियम, 1972 (1972 का
62) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए सरकार, भारत के राजपत्र, भाग-II, खंड 3, उप खण्ड
(ii) में 15 फरवरी, 1992 को प्रकाशित भारत सरकार,
श्रम मंत्रालय का.आ. सं. 591 दिनांक 31 जनवरी,

1992 की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :

उक्त अधिसूचना में, क्रम संख्या 15 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, अर्थात् :—

“15. श्री एस.आई.अहमद, सहायक महाप्रबन्धक (पी.एण्ड आई आर) जमशेदपुर”

[संख्या यू-23011/2/88-डब्ल्यू-II (सी)]

आर.के. नरुला, अवर सचिव

New Delhi the 16th August, 1994

S.O. 2172.—In exercise of the powers conferred by section 7 of the Limestone and Dolomite Mines Labour Welfare fund Act, 1972 (62 of 1972) read with sub-rule (1) of rule 3 of the Limestone and Dolomite Mines Labour Welfare Fund Rules, 1973, the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Labour No. S.O. 591 dated the 31st January, 1992 published in the Gazette of India dated the 15th February, 1992 Part II, section 3, sub-section (ii), namely :—

In the said Notification, for serial number 15 and the entries relating thereto, the following shall be substituted, namely :—

“15. Shri S.I. Ahmed,
Assistant General Manager (P&IR),
Tata Steel,
Jamshedpur”.

[No. U-23011/2/88-W.II(C)]
R. K. NARULA, Under Secy

नई दिल्ली, 17 अगस्त, 1994

का. आ. 2171.—कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 5-घ की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, पी के.एस. शर्मा भारतीय प्र सेवा (1968 आ.प्र.) को 17 अगस्त 1994 (पूर्वाह्न) से अगले आदेश तक केन्द्रीय भविष्य निधि आयुक्त के रूप में नियुक्त करती है।

[संख्या ए-12026/3/93-म.स.-1]

जय प्रकाश शुक्ला, अवर सचिव

New Delhi, the 17th August, 1994

S.O. 2173.—In exercise of the powers conferred by Sub-Section (1) of Section 5-D of the Employees' Provident Fund & Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri K. S. Sarma IAS (AP : 68) as Central Provident Fund Commissioner with effect from the 17th August, 1994 (forenoon) until further orders.

[F. No. A-12026/3/93-SS-I]
J. P. SHUKLA, Under Secy.

